MODesto CITY COUNCIL
RESOLUTION NO. 94-1

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK AT 2229 SCENIC DRIVE (SHELDon J. GRAHAM)

WHEREAS, the City Council has adopted a project to eliminate a traffic bottleneck on the north side of Scenic Drive east of Oakdale Road, involving street widening in front of four parcels including sidewalk to improve safety for foot traffic between the shopping center at Oakdale and Scenic and points east; and

WHEREAS, staff commenced eminent domain proceedings to gain possession of right of way at 2229 Scenic Drive so construction on this project can proceed, and Mr. Graham was served notice on November 24, 1993 and the property was posted December 23, 1993.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notice, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the property described in the notice in accordance with the Streets and Highways Code of the State of California.

The Foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR FURNISHING HEATING, VENTILATING AND AIR CONDITIONING SERVICES AT
THE CENTRE PLAZA

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for furnishing heating, ventilating and
air conditioning services at the Centre Plaza, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
January 24, 1994, at 11:05 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 4th day of January
19 94, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: /s/ Norrine Coyle, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PURCHASE AND INSTALLATION OF TWO ADDITIONAL REMOTE TERMINAL UNITS FOR THE CITY SCADA SYSTEM ON BRIGGSMORE AVENUE FROM HSQ TECHNOLOGY

WHEREAS, remote terminal units connected to the City's SCADA System will allow complete control of the Briggsmore Avenue storm drain lift stations from the Wastewater Treatment Plant, located on Sutter Avenue; and

WHEREAS, HSQ Technology was selected to install City SCADA equipment and was approved by previous Council action.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase and installation of two additional remote terminal units for the City SCADA System on Briggsmore Avenue is hereby waived.

BE IT FURTHER RESOLVED that purchase and installation of two additional remote terminal units for the City SCADA System on Briggsmore Avenue from HSQ Technology for an estimated cost of $21,200 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VAIL ENGINEERING TO REVISE THE DRAFT FINANCING PLAN FOR VILLAGE ONE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Vail Engineering to revise the Draft Financing Plan for Village One be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

ABSENT: Councilmembers: Patterson

ATTEST: Patricia Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-5

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO PROVIDE FUNDING FROM THE GENERAL FUND FOR THE VILLAGE ONE FINANCING PLAN.

WHEREAS, on September 8, 1992, the City Council directed staff to seek a qualified consultant to further assist City staff to:

1. Revise the Village One Financing Plan to accommodate recently recommended changes in the Village One Public Facilities Master Plan, and

2. Provide professional assistance to City staff on selecting appropriate financing mechanisms in Village One, and

WHEREAS, staff has selected Vail Engineering to assist in the financing mechanisms for Village One, and

WHEREAS, this project is to be financed by the Strategic Planning Fund Contingency Reserve. The General Fund is to be reimbursed as Village One develops. The project will reside in Fund 130, and

WHEREAS, this resolution provides the financing for the project in the amount of $28,800,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are necessary:
SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<table>
<thead>
<tr>
<th>Fund/Agy/Organization</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>080-140-1433-0235</td>
<td>Village One Infrastructure Financing Plan</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>010-800-8000-8003</td>
<td>Strategic Planning Fund Contingency Reserve</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
SPECIAL FUND FOR CAPITAL OUTLAYS (130)

<table>
<thead>
<tr>
<th>Fund/Agy/Organization</th>
<th>Increase (Decrease)</th>
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<tbody>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
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<tr>
<td>130-140-C236-6010   Village One Infrastructure $28,800 Financing Plan</td>
<td></td>
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<tr>
<td><strong>Revenues</strong></td>
<td></td>
</tr>
<tr>
<td>130-700-7000-9010 Transfer in from Strategic $28,800 Planning Fund</td>
<td></td>
</tr>
</tbody>
</table>

GENERAL FUND (010)

<table>
<thead>
<tr>
<th>Fund/Agy/Organization</th>
<th>Increase (Decrease)</th>
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</thead>
<tbody>
<tr>
<td><strong>Expenditures</strong></td>
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</tr>
<tr>
<td>080-700-7000-7130 Transfer Out to Special $28,800 Capital Outlays</td>
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</tr>
<tr>
<td>080-800-8000-8003 Strategic Planning Fund ($28,800) Contingency Reserve</td>
<td></td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

**ATTEST:** NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-6

A RESOLUTION INCREASING THE AMOUNT IN THE
PETTY CASH REVOLVING FUND BY $385.00 AND
AUTHORIZING THE TRANSFER OF $235.00 FROM THE
GENERAL FUND TO THE PETTY CASH REVOLVING
FUND, AND SUPERSEDING RESOLUTION NO. 89-382.

WHEREAS, because the Parks and Recreation Department
wishes to increase the change fund at the 9th Street parking
structure and establish change funds at King Kennedy Center and
Roosevelt Junior High School, and

WHEREAS, the City's primary petty cash fund which
serves to reimburse out-of-pocket expenses to City forces needs
to be increased, and

WHEREAS, it is desirable and necessary that the amount
in the Petty Cash Revolving Fund be increased to meet the needs
for cashiering and provide change for Parks and Recreation
Department customers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:

1. The Petty Cash Revolving Fund be increased by
$385.00 to provide increased cash for the 9th Street parking garage and the Primary Petty Cash
fund, and to establish cash funds at King Kennedy Center and Roosevelt Junior High School.

2. The amount of $235.00 be transferred from the
General Fund (Fund 010) to the Petty Cash
Revolving Fund (Fund 011).

BE IT FURTHER RESOLVED that the Director of Finance is
hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
SANDRA B. OSTLER AND SHIRLEE A. COURT FOR THE ACQUISITION OF A 2.13+ ACRE
PERMANENT EASEMENT AND A 1.37+ ACRE TEMPORARY EASEMENT FOR THE LAKEWOOD
SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Sandra B. Ostler and
Shirlee A. Court for the acquisition of a 2.13+ acre permanent easement and
a 1.37+ acre temporary easement for the Lakewood Sewer Trunk Project

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 4th day of January ,
1994 , by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Dobbs , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________

NORRINE COYLE, CITY CLERK
A RESOLUTION REAPPOINTING MEMBERS OF THE AFFIRMATIVE ACTION COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Terri Amerio, Denise Fontaine, Mark Heinzinger, Donna Huckabay and Eldon Larson are hereby reappointed to the Affirmative Action Commission with terms to expire on January 1, 1996.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed Commission members and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

Boards and Commissions

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-9

A RESOLUTION REAPPOINTING JAMES VON DOHLEN TO THE BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. James Von Dohlen is hereby reappointed to the Board of Zoning Adjustment with term to expire on January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed Board of Zoning Adjustment member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

Boards and Commissions NORMINE COYLE, City Clerk

ATTEST: 

MODESTO CITY COUNCIL
RESOLUTION NO. 94-10

A RESOLUTION REAPPOINTING ROCCI LAMANTIA TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Rocci Lamantia is hereby appointed to the Citizens Advisory Committee on Recycling, term to expire January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Citizens Advisory Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

Committees

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
A RESOLUTION REAPPOINTING VIRGINIA CHOATE AND MICHAEL ROYER TO THE CULTURE COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Virginia Choate and Michael Royer are hereby reappointed to the Culture Commission with terms to expire on January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed Culture Commission members and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

Boards and Commissions ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-12

A RESOLUTION REAPPOINTING DENNIS SMITH TO THE LANDMARK PRESERVATION COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Dennis Smith is hereby reappointed to the Landmark Preservation Commission with term to expire on January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed Landmark Preservation Commission member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

Boards and Commissions

ATTEST: NORMINE COYLE, City Clerk

NORMINE COYLE, City Clerk
A RESOLUTION REAPPOINTING DON FRASCINELLA AND RICHARD ALTER TO THE LOCAL CABLE PROGRAMMING COMMITTEE

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Don Frascinella and Richard Alter are hereby reappointed to the Local Cable Programming Committee, terms to expire January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Local Cable Programming Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-14

A RESOLUTION REAPPOINTING BEVERLY KILPATRICK AND MARGARET LEAMAN TO THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Beverly Kilpatrick and Margaret Leaman are hereby reappointed to the Tuolumne River Regional Park Citizens Advisory Committee, terms to expire January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Tuolumne River Regional Park Citizens Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk

Committees
MODESTO CITY COUNCIL
RESOLUTION NO. 94-15

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(GRACE A. SOUZA)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of installing a parallel outfall,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
EXHIBIT A

PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-58-44 (Souza)

GRACE A. SOUZA, a widow

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the East half of the Northwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Northeastern corner of the property conveyed to Tony Morris, et ux, by deed recorded March 23, 1989, as Instrument 20049, Stanislaus County Records, said point being on the East line of said Northwest quarter of Section 26; thence Westerly along the Northern line of said Morris Property, 490.31 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26001, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 34 feet, more or less, to a point on a line which is parallel with and 30.00 feet, measured at right angles, Northernly from said Northern line of the Morris property and the end of this description.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.
PERMANENT ACCESS EASEMENT

APN 17-58-44 (Souza)

GRACE A SOUZA, a widow

GRANTS to the CITY OF MODESTO, a municipal corporation, the right of ingress thereto and egress therefrom over and across the following described real property in the State of California, County of Stanislaus:

All that portion of the East half of the Northwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A strip of land 10.00 feet wide, measured at right angles, lying adjacent to and Northerly of the following described line:

Commencing at the Northeast corner of said Northwest quarter of Section 26; thence Southerly along the East line of said Northwest quarter of Section 26, 1327.26 feet, more or less, to the Northeastern corner of the property conveyed to Tony Morris, et ux, by deed recorded March 23, 1989, as Instrument 20049, Stanislaus County Records, and the true point of beginning of this description; thence Westerly along the Northern line of said Morris property, 490.31 feet, more or less to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26001, Stanislaus County Records, and the end of this description.

The side lines of said 10.00 foot strip of land shall be prolonged or shortened to make proper intersections.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-16

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(TONY MORRIS, ET UX.)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of installing a parallel outfall,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation
Department - Engineering
EXHIBIT A

PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-58-45 (Morris)

TONY MORRIS and DELFINA R. MORRIS, Trustees of the MORRIS REVOCABLE TRUST under instrument dated May 19, 1992

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the East half of the Northwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Southeast corner of said Northwest quarter of Section 26; thence Westerly along the South line of said Northwest quarter of Section 26, 1200.26 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26001, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 1501.05 feet, more or less, to a point on the Northern line of property conveyed to Tony Morris, etux, by deed recorded March 23, 1989, as Instrument 20049, Stanislaus County Records, and lying Westerly along said Northern line, 490.31 feet, more or less, from the East line of said Northwest quarter of Section 26.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.
EXHIBIT B

PERMANENT ACCESS EASEMENT

APN 17-58-45 (Morris)

TONY MORRIS and DELFINA R. MORRIS, Trustees of the MORRIS REVOCABLE TRUST under instrument dated May 19, 1992

GRANTS to the CITY OF MODESTO, a municipal corporation, the right of ingress thereto and egress therefrom over and across the following described real property in the State of California, County of Stanislaus:

All that portion of the East half of the Northwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A strip of land 10.00 feet wide, measured at right angles, lying adjacent to and Southerly of the following described line:

Commencing at the Southeast corner of said Northwest quarter of Section 26; thence Northerly along the East line of said Northwest quarter of Section 26, 1320 feet, more or less, to the Northeastern corner of the property conveyed to Tony Morris, et ux, by deed recorded March 23, 1989, as Instrument 20049, Stanislaus County Records, and the true point of beginning of this description; thence Westerly along the Northern line of said Morris property, 490.31 feet, more or less to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26001, Stanislaus County Records, and the end of this description.

The side lines of said 10.00 foot strip of land shall be prolonged or shortened to make proper intersections.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-17

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of installing a parallel outfall,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the
Government Code has been made to the owner or owners of record,
or the offer has not been made because the owner or owners cannot
be located with reasonable diligence.

5. The real property which is hereinafter described
in the legal descriptions, marked Exhibits "A" and "B", attached
hereto and made a part hereof as though contained in full herein
is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is
hereby authorized and directed to commence and maintain in the
name of the City of Modesto such actions and proceedings of
eminent domain in the Superior Court of California, County of
Stanislaus, including acquiring immediate possession, as is
necessary to acquire, for the purposes and uses aforesaid, that
certain real property which is situated in the County of
Stanislaus, and within the City of Modesto, State of California,
more particularly described in said Exhibits "A" and "B".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE City Clerk (SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, also being a portion of Lot 3 of WESTPORT COLONY, as per map filed October 21, 1913, in Volume 7 of Maps, Page 47, Stanislaus County Records, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Northeast corner of the Southwest quarter of said Section 26; thence Westerly along the North line of said Southwest quarter of Section 26, 1200.25 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26000, Stanislaus County Records, and the true point of beginning of this description; thence Southwesterly along said Southeastern line of said City of Modesto easement, 255.83 feet, more or less, to a point on the Western line of said Lot 3, distant thereon Southerly 224.93 feet, more or less, from said North line of the Southwest quarter of Section 26.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.
PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-58-47 (LDS)

CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southwest quarter of Section 26, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, also being a portion of Lots 4 and 5 of WESTPORT COLONY, as per map filed October 21, 1913, in Volume 7 of Maps, Page 47, Stanislaus County Records, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Southwest corner of said Section 26; thence Easterly along the South line of Section 26, 15.01 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26000, Stanislaus County Records and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 2739.92 feet, more or less, to a point on the Eastern line of said Lot 4, distant thereon Southerly 224.93 feet, more or less, from the North line of said Southwest quarter of Section 26.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-18

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(LOUIS R. MENEZES)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of installing a parallel outfall,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal description, marked Exhibit "A", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibit "A".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:
By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:
By Public Works And Transportation Department - Engineering
EXHIBIT A

PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-62-03 (Menezes)

LOUIS R. MENEZES and JOYCE H. MENEZES, husband and wife; GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the North half of the Northeast quarter of Section 34, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Southeast corner of the North half of the Northeast quarter of said Section 34; thence Westerly along the South line of said North half of the Northeast quarter of Section 34, 1002.79 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 25999, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 1652.65 feet, more or less, to a point on the East line of Section 34, distant Southerly 22.83 feet, more or less, from the Northeast quarter of Section 34.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-19

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(JOHANNES T. NIJSKENS, ET UX.)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of installing a parallel outfall,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal description, marked Exhibit "A", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibit "A".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
EXHIBIT A

PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-62-26 (Nijskens)

JOHANNES T. NIJSKENS and MARI L. NIJSKENS, husband and wife,

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southeast quarter of Section 34, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Northwest corner of said Southeast quarter of Section 34; thence Southerly 823.74 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 25997, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 1045.62 feet, more or less, to a point on the North line of the Southeast quarter of Section 34, distant thereon Easterly 633.95 feet, more or less, from said Northwest corner of the Southeast quarter of Section 34.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-20

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL
PURPOSES OF INSTALLING A PARALLEL OUTFALL.
(GOMES BROTHERS, A PARTNERSHIP)

WHEREAS, a hearing was set for the Council of the City
of Modesto to consider a resolution of necessity to acquire
a certain real property, hereinafter described, and

WHEREAS, on January 11, 1994, the Council held a
hearing in the City Council Chambers, City Hall, 801 Eleventh
Street, Modesto, in order to determine the necessity for
acquisition of said real property by eminent domain proceedings
for purposes of installing a parallel outfall,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:

1. The public interest and necessity require said
project and require the acquisition of said real property for the
purpose stated.

2. The taking of real property for municipal purposes
by eminent domain proceedings is authorized by Government Code
Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil
Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and
1240.610, and by Article I, Section 19 of the California
Constitution.

3. The proposed project is planned and located in a
manner which will be most compatible with the greatest public
good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal description, marked Exhibit "A", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibit "A".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

ATTEST: NORMINE COYLE, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works And Transportation Department - Engineering
EXHIBIT A

PARALLEL OUTFALL
TEMPORARY SEWER EASEMENT

APN 17-62-29 (Gomes)

GOMES BROTHERS, a partnership composed of VICTOR GOMES and JOSEPH GOMES,

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southwest quarter of Section 34, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 40.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Southeast corner of said Southwest quarter of Section 34; thence Westerly along the South line of Section 34, 1399.66 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded July 26, 1968, as Instrument 22802, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 2308.61 feet, more or less, to a point on the East line of the Southwest quarter of Section 34, distant thereon Southerly 823.74 feet, more or less, from the Northeast corner of the Southwest quarter of Section 34, and the end of this description.

The side lines of said 40.00 foot strip of land shall be prolonged or shortened to make proper intersections.
A RESOLUTION ACCEPTING THE BID OF PATCHMASTER OF CENTRAL CALIFORNIA FOR THE "I" STREET WATERLINE - 6TH TO 8TH STREET

WHEREAS, Resolution No. 93-635, adopted by the Council of the City of Modesto on November 9, 1993, approved the plans and specifications for the "I" Street waterline - 6th to 8th Street and authorized the calling for bids; and

WHEREAS, the bids received for the "I" Street waterline - 6th to 8th Street were opened at 11:05 a.m. on December 9, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Patchmaster of Central California in the amount of $57,358.85 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Patchmaster of Central California in the amount of $57,358.85 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-22

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $11,000 TO COMPLETE THE "I" STREET WATERLINE - 6TH TO 8TH STREET

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Water Tank No. 5 Account
(612 480 C118 6040) $11,000

TO: "I" Street Waterline Account
(612 480 C111 6040) $11,000

A larger than anticipated percentage of the project cost was spent on design, leaving the construction amount slightly short. The extra funds are needed to complete this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January , 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE LA LOMA LIFT STATION REMODELING PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the La Loma lift station remodeling project has been completed by Clyde Wheeler Pipeline, Inc. in accordance with the contract agreement dated September 8, 1992.

NOW, THEREFORE, BE IT RESOLVED that the La Loma lift station remodeling project be accepted from said contractor, Clyde Wheeler Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $214,607.60 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-24


WHEREAS, by Resolution No. 77-27, the City Council, pursuant to Government Code Section 87300, designated the agencies of the City of Modesto required to adopt a Conflict of Interest Code, which resolution was superseded by Resolution No. 88-586, and

WHEREAS, by Resolution No. 92-194, the Council approved the Conflict of Interest Code of the Office of the City Manager, and

WHEREAS, due to changed circumstances said Code should be amended, and

WHEREAS, the Council held a public hearing on January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Exhibit "A" of the Conflict of Interest Code of the Office of the City Manager of the City of Modesto is hereby amended, as attached hereto, to delete Code Enforcement Officer, with Disclosure Category No. 2, and Public Services Supervisor, with Disclosure Category No. 2, and said amendments to be effective upon the adoption of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
OFFICE OF THE CITY MANAGER CONFLICT OF INTEREST CODE

EXHIBIT "A"

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
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<tr>
<td>Administrative Analyst II</td>
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<tr>
<td>Assistant to the City Manager</td>
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<td>Consultant</td>
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<td>Deputy City Manager</td>
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<td>Management Analyst</td>
<td>2</td>
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<tr>
<td>Public Information Officer</td>
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</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 94-25

A RESOLUTION AMENDING EXHIBIT "A" OF THE
CONFLICT OF INTEREST CODE OF THE FINANCE
DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, by Resolution No. 77-27, the City Council,
pursuant to Government Code Section 87300, designated the
agencies of the City of Modesto required to adopt a Conflict of
Interest Code, which resolution was superseded by Resolution No.
88-586, and

WHEREAS, by Resolution No. 92-196, the Council approved
the Conflict of Interest Code of the Finance Department, and

WHEREAS, due to changed circumstances said Code should
be amended, and

WHEREAS, the Council held a public hearing on
January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that Exhibit "A" of the Conflict of Interest Code
of the Finance Department of the City of Modesto is hereby
amended, as attached hereto, to change Buyer, with Disclosure
Categories No. 3 and 4, to Senior Buyer, with Disclosure
Categories No. 3 and 4; and to add Purchasing Assistant, with
Disclosure Categories No. 3 and 4, and said amendments to be
effective upon the adoption of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
FINANCE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<table>
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<th>Designated Positions</th>
<th>Disclosure Category</th>
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<tr>
<td>Consultant</td>
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<td>Data Processing Manager</td>
<td>3</td>
</tr>
<tr>
<td>Director of Finance</td>
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<td>Finance Division Manager</td>
<td>2</td>
</tr>
<tr>
<td>Financial Analyst</td>
<td>2</td>
</tr>
<tr>
<td>Principal Accountant</td>
<td>2</td>
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<tr>
<td>Purchasing Assistant</td>
<td>3, 4</td>
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<td>Purchasing Officer</td>
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<tr>
<td>Senior Accountant</td>
<td>2</td>
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<tr>
<td>Senior Buyer</td>
<td>3, 4</td>
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<tr>
<td>Warehouse Supervisor</td>
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</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 94-26

A RESOLUTION AMENDING EXHIBIT "A" OF THE
CONFLICT OF INTEREST CODE OF THE FIRE
DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, by Resolution No. 77-27, the City Council,
pursuant to Government Code Section 87300, designated the
agencies of the City of Modesto required to adopt a Conflict of
Interest Code, which resolution was superseded by Resolution No.
88-586, and

WHEREAS, by Resolution No. 92-197, the Council approved
the Conflict of Interest Code of the Fire Department, and

WHEREAS, due to changed circumstances said Code should
be amended, and

WHEREAS, the Council held a public hearing on
January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that Exhibit "A" of the Conflict of Interest Code
of the Fire Department of the City of Modesto is hereby amended,
as attached hereto, to delete Fire Engineer, with Disclosure
Category No. 1, and Inspectors, with Disclosure Category No. 2,
and said amendments to be effective upon the adoption of this
resolution.

RESCINDED
1994-901

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 94-26
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buyer</td>
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<tr>
<td>Consultant</td>
<td>3</td>
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<tr>
<td>Fire Chief</td>
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<tr>
<td>Fire Division Chief</td>
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<tr>
<td>Fire Battalion Chief</td>
<td>1</td>
</tr>
<tr>
<td>Fire Prevention Bureau Captain</td>
<td>2</td>
</tr>
<tr>
<td>Haz/Mat Inspector</td>
<td>2</td>
</tr>
<tr>
<td>Plan Checker</td>
<td>2</td>
</tr>
</tbody>
</table>

WHEREAS, by Resolution No. 77-27, the City Council, pursuant to Government Code Section 87300, designated the agencies of the City of Modesto required to adopt a Conflict of Interest Code, which resolution was superseded by Resolution No. 88-586, and

WHEREAS, by Resolution No. 92-198, the Council approved the Conflict of Interest Code of the Parks and Recreation Department, and

WHEREAS, due to changed circumstances said Code should be amended, and

WHEREAS, the Council held a public hearing on January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Exhibit "A" of the Conflict of Interest Code of the Parks and Recreation Department of the City of Modesto is hereby amended, as attached hereto, to add Building Maintenance Supervisor, with Disclosure Category No. 2; Building Superintendent, with Disclosure Category No. 1; Custodian Supervisor, with Disclosure Category No. 2; Events Supervisor, with Disclosure Category No. 2; Golf Superintendent, with Disclosure Category No. 1; Golf Supervisor, with Disclosure Category No. 2; and Operations Supervisor, with Disclosure
Category No. 2, and said amendments to be effective upon the adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
PARKS AND RECREATION DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
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<tbody>
<tr>
<td>Administrative Analyst</td>
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<tr>
<td>Arborist</td>
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</tr>
<tr>
<td>Assistant Director - Community Center</td>
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<tr>
<td>Assistant Director of Parks and Recreation</td>
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<tr>
<td>Building Maintenance Supervisor</td>
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<tr>
<td>Building Superintendent</td>
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<tr>
<td>Custodian Supervisor</td>
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<tr>
<td>Director of Parks and Recreation</td>
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<tr>
<td>Events Coordinator</td>
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<tr>
<td>Events Supervisor</td>
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<tr>
<td>Golf Superintendent</td>
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<tr>
<td>Golf Supervisor</td>
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<tr>
<td>Historical Buildings Supervisor</td>
<td>2</td>
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<tr>
<td>Landscape Designer</td>
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<td>Museum Supervisor</td>
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<tr>
<td>Operations Supervisor</td>
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<tr>
<td>Parks Maintenance Supervisor I</td>
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<tr>
<td>Parks Maintenance Supervisor II</td>
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<tr>
<td>Parks Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Recreation Superintendent</td>
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</tr>
<tr>
<td>Recreation Supervisor</td>
<td>2</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL  
RESOLUTION NO. 94-28

A RESOLUTION AMENDING EXHIBIT "A" OF THE  
CONFLICT OF INTEREST CODE OF THE PLANNING AND  
COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY  
OF MODESTO.

WHEREAS, by Resolution No. 77-27, the City Council,  
pursuant to Government Code Section 87300, designated the  
agencies of the City of Modesto required to adopt a Conflict of  
Interest Code, which resolution was superseded by Resolution No.  
88-586, and

WHEREAS, by Resolution No. 92-200, the Council approved  
the Conflict of Interest Code of the Planning and Community  
Development Department, and

WHEREAS, due to changed circumstances said Code should  
be amended, and

WHEREAS, the Council held a public hearing on  
January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the  
City of Modesto that Exhibit "A" of the Conflict of Interest Code  
of the Planning and Community Development Department of the City  
of Modesto is hereby amended, as attached hereto, to add  
Community Development Program Specialist, with Disclosure  
Category No. 1; and Neighborhood Preservation Supervisor, with  
Disclosure Category No. 1; and to delete Zoning Inspector, with  
Disclosure Category No. 1, and said amendments to be effective  
upon the adoption of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __11th__ day of __January__, 1994, by Councilmember __Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __Dobbs__, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

(SEAL)

**APPROVED AS TO FORM:**

By __Michael D. Milich__, City Attorney

ATTEST: __Norrine Coyle__, City Clerk
### EXHIBIT "A"

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
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<tbody>
<tr>
<td>Assistant Planner</td>
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<tr>
<td>Associate Planner</td>
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</tr>
<tr>
<td>Code Enforcement Officer I, II</td>
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</tr>
<tr>
<td>Community Development Program Manager</td>
<td>1</td>
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<tr>
<td>Community Development Program Specialist</td>
<td>1</td>
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<tr>
<td>Consultant</td>
<td>2</td>
</tr>
<tr>
<td>Housing Program Supervisor</td>
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<tr>
<td>Housing Financial Specialist</td>
<td>1</td>
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<tr>
<td>Housing Rehabilitation Specialist I, II</td>
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<tr>
<td>Neighborhood Preservation Supervisor</td>
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<tr>
<td>Planning and Community Development Director</td>
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<tr>
<td>Planning Assistant</td>
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<tr>
<td>Principal Planner</td>
<td>1</td>
</tr>
<tr>
<td>Senior Housing Rehabilitation Specialist</td>
<td>1</td>
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</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 94-29

A RESOLUTION AMENDING EXHIBIT "A" OF THE
CONFLICT OF INTEREST CODE OF THE PUBLIC WORKS
AND TRANSPORTATION DEPARTMENT OF THE CITY OF
MODESTO.

WHEREAS, by Resolution No. 77-27, the City Council,
pursuant to Government Code Section 87300, designated the
agencies of the City of Modesto required to adopt a Conflict of
Interest Code, which resolution was superseded by Resolution No.
88-586, and

WHEREAS, by Resolution No. 92-202, the Council approved
the Conflict of Interest Code of the Public Works and
Transportation Department, and

WHEREAS, due to changed circumstances said Code should
be amended, and

WHEREAS, the Council held a public hearing on
January 11, 1994, to consider the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that Exhibit "A" of the Conflict of Interest Code
of the Public Works and Transportation Department of the City of
Modesto is hereby amended, as attached hereto, to add
Administrative Service Officer, with Disclosure Categories No. 1
and 2a; Associate Traffic Engineer, with Disclosure Categories
No. 1, 2a, 2h, 20, and 2p; Fleet Manager, with Disclosure
Categories No. 1, 2a, and 2c; Industrial Waste Supervisor, with
Disclosure Categories No. 1, 2a, and 2i; Integrated Waste
Specialist, with Disclosure Categories No. 1, 2a, 2k, and 2l;
Junior Assistant Civil Engineer, with Disclosure Categories No. 1, 2a, 2e, and 2h; Laboratory Supervisor, with Disclosure Categories No. 1, 2a, and 2i; Land Surveyor, with Disclosure Categories No. 1, 2a, and 2e; Public Improvement Specialist, with Disclosure Categories No. 1, 2a, and 2e; Wastewater Collection Superintendent, with Disclosure Categories No. 1, 2a, and 2i; and Water Superintendent, with Disclosure Categories 1, 2a, and 2f; and to delete Assistant Equipment Maintenance Superintendent, with Disclosure Categories No. 1, and 2a; Building Maintenance Supervisor, with Disclosure Categories No. 2d, and 2e; Custodian Supervisor, with Disclosure Categories No. 2d and 2e; Equipment Maintenance Superintendent, with Disclosure Categories No. 1 and 2a; and Parking and Traffic Superintendent, with Disclosure Categories No. 1 and 2a, and said amendments to be effective upon the adoption of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
### Designated Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Disclosure Category</th>
</tr>
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<tbody>
<tr>
<td>Administrative Analyst II</td>
<td>1, 2a</td>
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<tr>
<td>Administrative Services Officer</td>
<td>1, 2a</td>
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<tr>
<td>Airport Manager</td>
<td>1, 2a, 2b</td>
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<tr>
<td>Assistant Water Quality Control Superintendent</td>
<td>1, 2a, 2i</td>
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<tr>
<td>Assistant Civil Engineer</td>
<td>1, 2a, 2e, 2h</td>
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<tr>
<td>Assistant Traffic Engineer</td>
<td>1, 2a, 2h, 2o, 2p</td>
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<tr>
<td>Associate Civil Engineer</td>
<td>1, 2a, 2e, 2h</td>
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<tr>
<td>Associate Traffic Engineer</td>
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<td>Building Inspector I</td>
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<tr>
<td>Building Inspector II</td>
<td>1, 2a, 2e</td>
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<tr>
<td>Chief Building Official</td>
<td>1, 2a, 2e</td>
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<tr>
<td>Civil Engineering Assistant</td>
<td>1, 2a, 2e, 2h</td>
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<td>Construction Inspector</td>
<td>1, 2a, 2e</td>
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<tr>
<td>Consultant</td>
<td>3</td>
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<tr>
<td>Deputy Chief Building Official</td>
<td>1, 2a, 2e</td>
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<tr>
<td>Deputy Public Works and Transportation Director</td>
<td>1, 2q</td>
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<tr>
<td>Electrical Supervisor</td>
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<tr>
<td>Engineering Systems Manager</td>
<td>1, 2a, 2h</td>
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<td>Equipment Maintenance Supervisor I and II</td>
<td>1, 2a, 2c</td>
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<td>Fleet Manager</td>
<td>1, 2a, 2c</td>
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<td>Industrial Waste Inspector</td>
<td>1, 2o, 2i</td>
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<td>1, 2a, 2i</td>
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</table>
Integrated Waste Specialist
Junior Assistant Civil Engineer
Laboratory Supervisor
Land Surveyor
Plan Review Engineer
Plant Mechanic Supervisor
Public Improvement Specialist
Public Works Supervisor
Public Works and Transportation Director
Recycling Program Coordinator
Secondary Treatment Site Supervisor
Senior Building Inspector
Senior Civil Engineer
Senior Civil Engineering Assistant
Senior Construction Inspector
Solid Waste Program Manager
Streets Maintenance Superintendent
Supervising Building Inspector
Supervising Construction Inspector
Traffic Engineer
Transit Manager
Transportation Planner
Wastewater Collection Superintendent
Water Quality Control Superintendent
Water Superintendent

1, 2a, 2k, 2l
1, 2a, 2e, 2h
1, 2a, 2i
1, 2a, 2e
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1, 2a, 2l, 2m
1, 2a
1, 2a, 2i
1, 2a, 2i
1, 2a, 2f
MODESTO CITY COUNCIL
RESOLUTION NO. 94-30

A RESOLUTION AUTHORIZING A GRANT APPLICATION IN THE AMOUNT OF $97,600 FOR FUNDING OF A REFUELING STATION AT THE CITY'S CORPORATION YARD UNDER AB 2766 FUNDING FROM THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT.

WHEREAS, under the provisions of AB 2766, the SJVUAPCD offers grant funding for projects which either: 1) reduce air pollution emissions from motor vehicles; 2) implement the transportation control measures; 3) assist in attaining the transportation mandates of the California Clean Air Act; or 4) provide public education programs which support any of the District's goals; and

WHEREAS, in the 1992-93 funding cycle, a grant of $12,000 was awarded to upgrade the City's existing methane refueling station at the Corporation Yard; and

WHEREAS, staff has found that the $12,000 allocated to upgrade the methane refueling station is inadequate for the amount of work required and is preparing a new proposal which will completely fund the refueling station upgrade.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant application in the amount of $97,600 for funding of a refueling station at the City's Corporation Yard under AB 2766 funding from the San Joaquin Valley Unified Air Pollution Control District be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant application by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMAINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
SELF-HELP ENTERPRISES FOR A HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT
IN THE AMOUNT OF $20,000 FOR OPERATING EXPENSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Self-Help Enterprises
for a Home Investment Partnership Program (HOME) Grant in the amount of
$20,000 for operating expenses

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 11th day of January ,
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
         Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________
         NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-32

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT REGARDING THE USE OF MORTGAGE CREDIT CERTIFICATES IN THE CITY OF MODESTO AND THE ADMINISTRATION OF THE PROGRAM BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS.

WHEREAS, there is a continued need for affordable homeownership opportunities within the City of Modesto (the "City") and the County of Stanislaus (the "County"); particularly for households at the lower end of the purchasing spectrum, and

WHEREAS, the Internal Revenue Code of 1986, as amended, established the Mortgage Credit Certificate Program (hereinafter referred to as the "MCC Program") as a means of assisting qualified individuals with the acquisition of new and existing single family housing, and

WHEREAS, Division 31, Part 1, Chapter 3.5, Article 4 of the California Health and Safety Code Sections 50197 et seq (the "Act") authorizes a housing authority, or other local entity, authorized by State law to issue qualified mortgage bonds to establish and participate in MCC Programs, and

WHEREAS, Sections 34312.4 and 34350 of the California Health and Safety Code authorize a housing authority to issue qualified mortgage bonds, and

WHEREAS, Section 8869.85 of the Government Code requires a local agency to file an application for a portion of the State ceiling with or upon the direction of the California
Debt Limit Allocation Committee ("CDLAC") prior to the issuance of qualified mortgage bonds or mortgage credit certificates, and

WHEREAS, the Housing Authority of the County of Stanislaus ("Housing Authority") has heretofore determined to engage in a MCC Program pursuant to the "Act" in order to assist individual home purchasers throughout the county to afford both new and existing homes within the statutory limits as provided for in said Act, and

WHEREAS, a request by the Housing Authority for an initial MCC Program allocation will be heard by the California Debt Limit Allocation Committee (CDLAC) at its February 17, 1994 meeting, and

WHEREAS, the City requests that this initial MCC allocation from CDLAC and any subsequent MCC allocations be available to eligible first time home buyers within the corporate limits of the City, and

WHEREAS, the Housing Authority and City wish to cooperate with one another for the purposes of the MCC Program, and

WHEREAS, pursuant to Section 34209 of the California Health and Safety Code, the Housing Authority is authorized to operate within the jurisdiction of the City, and

WHEREAS, the Housing Authority has the capacity to administer a MCC Program,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The Cooperative Agreement ("Agreement"), dated as of January 11, 1994, between the Housing Authority and the City of Modesto, in the form presented to this meeting, is hereby approved and the City Manager is hereby authorized and directed to execute and deliver the Agreement, for and in the name and on behalf of the City. The City Manager is authorized to approve and execute any additions to or changes in the form of the Agreement deemed necessary or advisable, subject to approval as to form by the City Attorney. The City Manager is further authorized to enter into such additional agreements with the Housing Authority, execute such other documents, or take such other actions as he may deem necessary or appropriate to carry out the purpose and intent of the Agreement or to cooperate in the implementation of the Program.

SECTION 2. This resolution shall take effect from and after its adoption.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(SEAL)

ATTEST: ____________________________
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY RUSSELL FOR PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mary Russell to compensate her for any damages done in conjunction with the parallel outfall project, and to acquire a temporary easement to allow enough room to work in be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________

MORRINE COYLE, CITY CLERK
RESOLUTION NO. 94-34 unused
MODESTO CITY COUNCIL
RESOLUTION NO. 94-35

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 92-679.

WHEREAS, Section 5-5.32 of the Modesto Municipal Code provides that charges to customers for garbage service in the City of Modesto shall be set by the City Council by resolution and may be revised from time to time after holding a public hearing thereon, and

WHEREAS, the City Council has previously, by Resolution No. 92-679, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Utility Services and Franchise Committee has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing March 1, 1994, and

WHEREAS, January 18, 1994, at 7:30 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revisions of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, a report dated January 12, 1994, from the Public Works Department, a copy of which is on file in the office
of the City Clerk, sets forth recommended revisions of rates and charges for the collection of garbage in the City of Modesto, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Schedule of Rates and Charges, which is attached hereto, is hereby adopted as the revised schedule of rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service effective March 1, 1994, until revised by the City Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 92-879 is hereby superseded, effective March 1, 1994.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS
Monthly Rates
(Once a Week Pickup Service)

One 60 gallon container $10.83
One 90 gallon container 13.07
Each additional container 10.00

The standard container rates shall apply for service when containers are placed in a location set forth in Section 5-5.10 of the Municipal Code Container Locations (a-1) (a-2) (a-3) (a-4) (a-5).

DETACHABLE CONTAINERS
Number of Collections Per Week

<table>
<thead>
<tr>
<th>Container Size</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>26.80</td>
<td>43.60</td>
<td>60.40</td>
<td>77.20</td>
<td>94.00</td>
<td>110.80</td>
</tr>
<tr>
<td>1 1/2 CY</td>
<td>35.20</td>
<td>60.40</td>
<td>85.60</td>
<td>110.80</td>
<td>136.00</td>
<td>161.20</td>
</tr>
<tr>
<td>2 CY</td>
<td>43.60</td>
<td>77.20</td>
<td>110.80</td>
<td>144.40</td>
<td>178.00</td>
<td>211.60</td>
</tr>
<tr>
<td>3 CY</td>
<td>60.40</td>
<td>110.80</td>
<td>161.20</td>
<td>211.60</td>
<td>262.00</td>
<td>312.40</td>
</tr>
<tr>
<td>4 CY</td>
<td>77.20</td>
<td>144.40</td>
<td>211.60</td>
<td>278.60</td>
<td>346.00</td>
<td>413.20</td>
</tr>
<tr>
<td>5 CY</td>
<td>94.00</td>
<td>178.00</td>
<td>252.00</td>
<td>346.00</td>
<td>430.00</td>
<td>514.00</td>
</tr>
<tr>
<td>6 CY</td>
<td>110.80</td>
<td>211.60</td>
<td>312.40</td>
<td>413.20</td>
<td>514.00</td>
<td>614.80</td>
</tr>
</tbody>
</table>

DETACHABLE CONTAINER RENTAL RATES
ARE INCLUDED IN ABOVE SCHEDULE

Detachable container size 1 CY to 6 CY
Monthly rental rate $10.00

DROP BOX CONTAINERS

Pickup charge $88.00
Rental 2.00
Disposal charge Day with $50.00 maximum for each 30-day rental period
Actual charge to be paid by customer

Garbage company will provide up to 40 CY Drop-box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS

Number of collections per week

<table>
<thead>
<tr>
<th>Front Loader Type</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 CY</td>
<td>79.64</td>
<td>159.28</td>
<td>238.92</td>
<td>318.56</td>
<td>398.20</td>
<td>477.62</td>
</tr>
<tr>
<td>4 CY</td>
<td>102.52</td>
<td>205.04</td>
<td>307.56</td>
<td>410.08</td>
<td>512.60</td>
<td>615.12</td>
</tr>
</tbody>
</table>

Roll-Off Type - 5 CY to 40 CY $91.85 per pickup
Washing of compactor at the request of customer $30. Disposal charge: Actual charge to be paid by customer.

EXTRA PICKUPS

Standard containers or equivalent $3.50 plus $0.60/container
Detachable containers $8.00 plus $1.26/CY

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer. In case of dispute the Public Works and Transportation Director shall make a determination and his decision shall be final.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

<table>
<thead>
<tr>
<th>Size</th>
<th>1 CY</th>
<th>1 1/2 CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement</td>
<td>10.12</td>
<td>11.00</td>
<td>12.10</td>
<td>15.40</td>
<td>20.24</td>
<td>25.08</td>
<td>29.92</td>
</tr>
</tbody>
</table>

NOTATIONS

1. The above residential rates include the 10 cent per month per household recycling surcharge.

March 1, 1994
A RESOLUTION GRANTING THE APPEAL OF LARRY J. JOHN ON BEHALF OF STONE & ASSOCIATES RELATING TO AN AMENDMENT TO SECTION 10-3-9 OF THE ZONING MAP TO REZONE PROPERTY FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PROFESSIONAL OFFICE ZONE, P-O, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF COFFEE ROAD AND MABLE AVENUE, OVERRULING THE DECISION OF THE PLANNING COMMISSION, AND CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT.

WHEREAS, a verified application for an amendment to Section 10-3-9 of the Zoning Map was filed by Stone & Associates, on October 1, 1993, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the southeast corner of Coffee Road and Mable Avenue, described as follows:

All that certain real property situate in a portion of the Northwest quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Lots 7, 8, 9, 10, 13, 14, 15, 16, and 17 in Block 12587 of Sylvan Meadows No. 4, as per map filed January 25, 1977 in Volume 26 of Maps, Page 50, Stanislaus Records.

Including also all of the southern portion of Mable Avenue and the Eastern portion of Coffee Road located between the North and West Section lines of said Section 10 and the northern one half of 50.00 foot wide Fernview Drive and all immediately adjacent to the above described property.

WHEREAS, a public hearing was held by the Planning Commission on December 6, 1993, in the City Council Chambers,
City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-55, and

WHEREAS, an appeal of the Planning Commission's denial of the request to rezone the property was filed with the Office of the City Clerk by Larry J. John on behalf of Stone & Associates by letter dated December 7, 1993, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in City Hall, 801 11th Street, Modesto, California, on January 18, 1994, at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council of the City of Modesto found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, should be granted for the following reasons:

1. Professional office use of this property will be compatible with adjacent residential properties to the south and east due to conditions of approval of P-O plot plan review required as a prerequisite to property development.
2. Office use of this corner will be compatible with existing county approved commercial type uses to the west, and a proposed office complex to the north.

and

WHEREAS, on January 18, 1994, the City Council introduced Ordinance No. 2886-C.S. giving approval to a project relating to an amendment to Section 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the southeast corner of Coffee Road and Mable Avenue, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. APPEAL GRANTED. The appeal of Larry J. John on behalf of Stone & Associates for an amendment to Section 10-3-9 of the Zoning Map to reclassify the property described above from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. NOTICE OF DETERMINATION. The Planning And Community Development Director of the City of Modesto is hereby
directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the southeast corner of Coffee Road and Mable Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

**ATTEST:** NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 94-37

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF PICNIC AREA AND SHADE STRUCTURE AT EAST LA LOMA PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the construction of picnic area and shade structure at East La Loma Park, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 17, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Muratore

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION ACCEPTING THE GRADE CROSSING IMPROVEMENTS AT WHITMORE AVENUE AND UNION PACIFIC RAILROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the grade crossing improvements at Whitmore Avenue and Union Pacific Railroad has been completed by Teichert Construction, Inc. in accordance with the contract agreement dated September 21, 1993.

NOW, THEREFORE, BE IT RESOLVED that the grade crossing improvements at Whitmore Avenue and Union Pacific Railroad be accepted from said contractor, Teichert Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $51,655.54 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember _______Friedman______, who moved its adoption, which motion being duly seconded by Councilmember _______Dobbs______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Muratore

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE ROCKWELL REPLACEMENT/ADDITION PROJECT FOR 1993-94 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the rockwell replacement/addition project for 1993-94 has been completed by Teichert Construction, Inc. in accordance with the contract agreement dated August 17, 1993.

NOW, THEREFORE, BE IT RESOLVED that the rockwell replacement/addition project for 1993-94 be accepted from said contractor, Teichert Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $248,420.60 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Muratore

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A PROFESSIONAL SERVICE TO DEVELOP A RADIO COMMUNICATIONS MASTER PLAN FROM FRANK THATCHER ASSOCIATES

WHEREAS, a study has been proposed to review the City's current radio communication plan to identify deficiencies and recommend improvements and/or replacement of the system; and

WHEREAS, Frank Thatcher Associates was determined to be the lowest responsive bidder of eleven Request for Proposals received.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a professional service to develop a Radio Communications Master Plan is hereby waived.

BE IT FURTHER RESOLVED that purchase of a professional service to develop a Radio Communications Master Plan from Frank Thatcher Associates in the amount of $27,100 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Muratore

ATTEST: _______________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-41

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO TRANSFER FUNDS FROM FUND 130, SPECIAL FUND FOR CAPITAL OUTLAYS TO FUND 010, GENERAL FUND, FOR A RADIO COMMUNICATIONS MASTER PLAN.

WHEREAS, a critical lack of capacity in our local government radio system has been identified, and

WHEREAS, funds were identified in Fund 130 Special Fund for Capital Outlay during the 1993-94 budget process, but not appropriated,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1993-94 Annual Budget be amended as follows:

GENERAL FUND

Revenue:
010-700-7000-9130  Transfer in from Fund 130  $27,100

Appropriations:
010-020-0201-0235  Professional Services  $27,100

SPECIAL FUND FOR CAPITAL OUTLAY

Appropriations:
130-700-7000-7010  Transfer out to Fund 010  $27,100
130-800-8000-8003  Contingency Reserve  ($27,100)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember __Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __Dobbs____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
         NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________
    MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 94-42

A RESOLUTION DESIGNATING AIRPORT DISTRICT, HIGHWAY VILLAGE, AND 400 BLOCKS OF MAPLE, OAK AND PINE STREETS IN THE CITY OF MODESTO AS TARGET AREAS NUMBER 4, NUMBER 5, AND NUMBER 6 FOR THE CITY'S HOUSING MAINTENANCE PROGRAM.

WHEREAS, the City has a mandatory Housing Rehabilitation Program that includes making loans to persons other than low and moderate income persons, and

WHEREAS, in order to receive federal funding, it is necessary to qualify the City's Housing Rehabilitation Program pursuant to U.S. Department of Housing And Urban Development regulations, and

WHEREAS, such regulations require that the City's program will aid in the prevention or elimination of slums, blight and/or deterioration as defined under state or local law, and

WHEREAS, the Council finds that each of the above-described areas are blighted within the meaning of California Health & Safety Code sections 33030, et seq., (hereinafter "H & S Code"), in that they are predominantly urbanized within the meaning of H & S Code section 33320.1 and that the following physical conditions exist in the above-described areas:

(a) Buildings in which it is unsafe or unhealthy for persons to live or work due to serious Building Code violations, dilapidation and deterioration, inadequate utilities, and other
similar factors.

and

WHEREAS, further, that the following economic factors that cause blight exist in the above-described areas:

(a) Economic conditions of depreciated and stagnant property values, abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, excessive vacant lots.

(b) A lack of necessary commercial facilities that are normally found in neighborhoods, including grocery stores, drug stores, banks and other lending institutions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Airport District, Highway Village and the 400 Blocks of Maple, Oak and Pine Streets designated as Target Areas number 1, number 2 and number 6, and as more specifically defined by street boundaries on the attached Exhibits 1, 2, and 3, respectively, are declared to be blighted areas within the meaning of state law as set forth in H & S Code section 33030, et seq.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CANDIDATE
TARGET AREA #6

Exhibit 3
MODESTO CITY COUNCIL
RESOLUTION NO. 94-43

A RESOLUTION APPROVING AN AGREEMENT, ACCEPTING REAL PROPERTY AND ALLOWING ENTRY TO 1/17+ ACRES OF PROPERTY BELONGING TO JOHN LUST, et.al. TO CONSTRUCT THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and John Lust, et al. for the acquisition of 1.17+ acres of their property for the Lakewood Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from John Lust, et al., for the Lakewood Sewer Trunk Project be accepted.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Muratore

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-44

A RESOLUTION FINDING THAT THE RIGHT OF ENTRY
ONTO PROPERTY OWNED BY LUST, LAMATIS AND
SATRILES TO CONSTRUCT THE LAKEWOOD SEWER
TRUNK PROJECT IN THE VILLAGE ONE AREA IS
CONSISTENT WITH THE PROGRAM ENVIRONMENTAL
IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted
Resolution No. 90-757 certifying that the Village One Final EIR
is complete and adequate pursuant to Section 15090 of the
California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby finds that the Right of Entry onto
property owned by Lust, Lamatis and Satriles to construct the
Lakewood Sewer Trunk project in the Village One Area is
consistent with the Village One Specific Plan and the program EIR
for the following reasons:

1. With the proposed project, no new effects will
occur and no new mitigation measures will be required, beyond
what is contained in the Program Environmental Impact Report for
the Village One Specific Plan (Section 15168(c)(2) of the State
CEQA Guidelines).

2. The proposed project is within the scope of the
Village One Specific Plan (Section 15168(c)2 of the State CEQA
Guidelines).

3. No substantial changes are desired and no new
information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAELE D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT CALCAGNO, et. al., FOR THE ACQUISITION OF A 0.1793+ ACRE PERMANENT EASEMENT AND A 0.1795+ ACRE TEMPORARY EASEMENT FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert Calcagno, et. al., for the acquisition of a 0.1793+ acre permanent easement and a 0.1795+ acre temporary easement for the Lakewood Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Cogdill, Dobbs, Friedman, McClanahan,
NOES:  Councilmembers:  Mayor Lang
ABSENT: Councilmembers:  Patterson, Muratore

ATTEST:  

MORRINE COYLE, CITY CLERK
A RESOLUTION FINDING THAT THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS FOR THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition of permanent and temporary easements from Robert Calcagno, et al., for permanent and temporary easements for the Lakewood Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2 of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Muratore

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO VENTURE 168, FOR THE ACQUISITION OF A 0.665+ ACRE PERMANENT EASEMENT AND A 0.665+ ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Venture 168, for the acquisition of a 0.665+ acre permanent easement and a 0.665+ acre temporary easement for the Sonoma Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Horrine Coyle, City Clerk
A RESOLUTION FINDING THAT THE ACQUISITION OF A PERMANENT EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition of a permanent easement from Modesto Venture 168, a California General Partnership, for acquisition of a permanent easement for the Sonoma Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-49

A RESOLUTION APPROVING AN AMENDED LEASE AGREEMENT WITH HENDLEY-SKYTREK AVIATION FUEL, INC. FOR THE PURPOSE OF CHANGING THEIR CORPORATE NAME TO SKYTREK AVIATION FUELS, INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended lease agreement with Hendley-Skytrek Aviation Fuel, Inc. for the purpose of changing their corporate name to Skytrek Aviation Fuels, Inc. be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lanq

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Muratore

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ADOPTING THE SOURCE REDUCTION AND RECYCLING AND HOUSEHOLD HAZARDOUS WASTE ELEMENTS

WHEREAS, the California Integrated Waste Management Act of 1989 (AB 939) requires Cities and Counties to develop comprehensive, Source Reduction and Recycling Elements detailing how the jurisdiction will reach State-mandated waste diversion goals of 25% by 1995 and 50% by the year 2000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Source Reduction and Recycling and Household Hazardous Waste Elements be and are hereby adopted, a copy of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the execution of said Elements by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs and Patterson

ATTEST: NORMA ASH NORRINE COYLE, City Clerk
A RESOLUTION CONTINUING THE TIPPING FEES, WHICH INCLUDE THE $1.50 PER TON SOLID WASTE MANAGEMENT FEE AND THE $1.50 PER TON HOUSEHOLD HAZARDOUS WASTE FEE, AT THE WASTE TO ENERGY FACILITY.

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy facility which is owned by Ogden-Martin, Inc., and

WHEREAS, on September 25, 1990, the Stanislaus County Board of Supervisors approved an increase of $3.00 per ton at the Waste-to-Energy facility which consisted of a $1.50 per ton Solid Waste Management fee for AB 939 plan preparation, and a $1.50 per ton Household Hazardous Waste fee, which $3.00 fee was also approved by the City Council by Resolution No. 90-799, adopted on October 2, 1990, and

WHEREAS, Council Resolution 92-678 adopted on December 15, 1992, revised the tipping fees at the Waste-to-Energy facility to $26.50 per ton, and

WHEREAS, the $26.50 per ton fee included the $1.50 per ton Solid Waste Management fee and the $1.50 per ton Household Hazardous Waste fee, and

WHEREAS, said fees, which are set forth in Council Resolution No. 92-678, became effective on January 1, 1993,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby concurs with the continuation of the $3.00 per ton tipping fees at the Waste-to-Energy facility.
Said $3.00 per ton fee shall include the $1.50 per ton Solid Waste Management fee, the City of Modesto's portion of which shall be used to fund implementation of its Source Reduction and Recycling Element pursuant to Public Resources Code Section 41901; and the $1.50 per ton Household Hazardous Waste fee, the City of Modesto's portion of which shall be used to fund implementation of its Household Hazardous Waste Element pursuant to Public Resources Code Section 41901.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-53

A RESOLUTION DENYING THE APPEAL OF TIM FISHER, ARCHITECTURE PLUS, INC., TO A PLANNING COMMISSION DECISION DENYING AN APPLICATION TO AMEND SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PROFESSIONAL OFFICE ZONE, P-O, AT THE NORTHWEST CORNER OF COFFEE ROAD AND GLORIA WAY.

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Tim Fisher, Architecture Plus, on October 25, 1993, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located on the northwest corner of Coffee Road and Gloria Way, described as follows:

All that certain real property situate in a portion of the north half of the Southeast quarter of the Southeast quarter of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the intersection of the center lines of original 50.00 foot wide Coffee Road and 60.00 foot wide Gloria Way; thence along the centerline of said Gloria Way Westerly, 210.00 feet to the Southern prolongation of the West line of Lot 15 of Block 1145 as shown on the Amended Map of El Vecino Gardens No. 2 filed with the Stanislaus County Recorder on May 26, 1952, in Volume 17 of Maps at Page 35; thence along said Southern prolongation and West line of Lot 15, Northerly 151.91 feet to the Northwest corner of said Lot 15; thence along the Northerly prolongation of said West line of Lot 15, 20.00 feet to the Northern line of the adjacent public alley; thence along said Northern alley line, East 210.00 feet to said centerline of Coffee Road; thence along said centerline South 171.92 feet to the point of beginning of this description.
and

WHEREAS, a public hearing was held by the Planning Commission on December 20, 1993, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission by its Resolution No. 93-59 denied the application for the reason set forth in said Planning Commission Resolution, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the application to amend Section 21-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located on the northwest corner of Coffee Road and Gloria Way was filed with the Office of the City Clerk by letter dated December 21, 1993, from Timothy S. Fisher, Architecture Plus, Inc., and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on January 25, 1993, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the northwest corner of Coffee Road and Gloria Way, should be denied and the decision of the Planning
Commission should be affirmed for the reason set forth below:

The proposed Professional Office Zone, P-O, is in conformance with the location criteria for professional office development as provided for in the Land Use Element of the General Plan. However, due to the immediate location and relationship of the potential office use with the adjacent residential neighborhood to the west and north, including alley access, compatibility cannot be adequately provided.

and

WHEREAS, the City Council certifies it has reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the requested rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Tim Fisher, Architecture Plus, Inc., to the decision of the Planning Commission denying the application to rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the northwest corner of Coffee Road and Gloria Way, is denied for the reason set forth above, and the decision of the Planning Commission is hereby affirmed.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

(Seal)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-51

A RESOLUTION CERTIFYING REVIEW OF AND CONCURRENCE WITH THE INITIAL STUDY AND NOTICE OF DETERMINATION PREPARED BY THE STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES RELATING TO THE SOURCE REDUCTION AND RECYCLING ELEMENT AND THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF MODESTO.

WHEREAS, Public Resources Code Section 18762 requires that jurisdictions comply with the California Environmental Quality Act (CEQA) in preparing their Source Reduction and Recycling (SRR) and Household Hazardous Waste (HHW) Elements; and,

WHEREAS, said planning activity is "nonspecific" and conceptual in nature, and will be used as a planning tool to achieve State mandated goals; and,

WHEREAS, future projects contained "in concept" in said SRR and HHW Elements will each be subject to CEQA on an individual basis as developed; and,

WHEREAS, draft environmental documentation was prepared for the SRR and HHW Elements by the Stanislaus County Department of Environmental Resources, and was submitted to the State Clearinghouse for review in July, 1991; and,

WHEREAS, on September 5, 1991, the State Clearinghouse acknowledged that the County has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA; and,
WHEREAS, the Final Drafts of the Source Reduction and Recycling and Household Hazardous Waste Elements remain consistent with the environmental documents previously prepared by Stanislaus County; and,

WHEREAS, Stanislaus County apparently did not complete and submit its Final Notice of Environmental Determination within the required time.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby certifies review of and concurrence with the Stanislaus County Department of Environmental Resource, Solid Waste Division, Initial Study and Notice of Determination relating to the Source Reduction and Recycling Element, (State Clearinghouse #91082033), and the Household Hazardous Waste Element for the City of Modesto, (State Clearinghouse #91082026).

BE IT FURTHER RESOLVED, that staff is directed to assume the lead agency role, with respect to the City's SRR and HHW Elements, in complying with CEQA and preparing a Final Notice of Environmental Determination.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORRINE COYLE, City Clerk

(Seal)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-54

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(181), AS AN ADDITION AND AN AMENDMENT TO P-D(181).
(BETHANY CHRISTIAN SERVICES)

WHEREAS, a verified application for an amendment to Section 12-3-8 of the Zoning Map was filed by Bethany Christian Services on November 29, 1993, to rezone from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(181), as an addition and an amendment to P-D(181), to allow expansion of the existing facility including a modular office addition to the adoption/counseling ministry, property located at 3048 Hahn Drive on the east side of Hahn Drive south of Standiford Avenue and north of the Hetch Hetchy right-of-way, described as follows:

R-2 to P-D(181)

All that certain real property situate in a portion of the Southwest Quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcel A as shown on that Parcel Map filed August 17, 1977, in Book 25 of Parcel Maps at Page 83, Stanislaus County Records.

Including the easterly 30.00 feet of Hahn Drive and the northern 55.00 feet of the 110.00-foot wide Hetch Hetchy right-of-way and all immediately adjacent to the above described property.

WHEREAS, after a public hearing on December 20, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 93-58, that rezoning of the
property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed addition to P-D(181) for the counseling office addition to the existing site of Bethany Christian Services constitutes a limited and integral part of the overall ministry.

2. The proposed addition in terms of site plan and conditions is compatible both internally and with the surrounding developments.

WHEREAS, after a public hearing held on January 25, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Bethany Christian Services for an addition and an amendment to Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-58 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2887-C.S. on the 25th day of January, 1994, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(181), as an addition and an amendment to P-D(181).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(181), as an addition and an amendment to P-D(181), is hereby approved subject to the following conditions:
1. All development shall conform to the plot plan and floor plans titled "Site Plan - Bethany Christian Services" as amended in red, stamped approved by the Planning Commission on December 20, 1993."

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Six-foot (6') high wood fence with decorative masonry pilasters at 16 foot on centers along the south property line.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Trash cans shall be screened from view from any public street or trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

6. All signs shall comply with the sign requirements of the R-1 Zone.

7. All conditions of Board of Zoning Adjustment Resolution No. 1173 not in conflict with this action shall remain in full force and effect.

8. The office building addition shall be made to relate to the existing dwelling with features including but not limited to paint, trim colors, and roofing as required by the Planning and Community Development Department Director.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(181), as an addition and an amendment to P-D(181):
The entire construction program be accomplished in one phase, construction to begin on or before December 20, 1995, and completion to be not later than December 20, 1996.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zone and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(181), as an addition and an amendment to P-D(181), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING THREE NEW LAWN SWEEPERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the purchase of three new lawn sweepers, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 28, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORRINE COYLE, CITY CLERK
A RESOLUTION AUTHORIZING THE SALE OF ONE (1)
SURPLUS 1965 CROWN COACH FIRE PUMPER TRUCK AT
A PUBLIC AUCTION TO BE CONDUCTED BY ROGER
ERNST AND ASSOCIATES ON MARCH 5, 1994, AT 824
KIERNAN AVENUE.

WHEREAS, the City Manager is authorized by Charter
Section 801 to sell surplus personal property of the City of
Modesto with the approval of the City Council, and

WHEREAS, it is desirable to authorize the sale of one
(1) surplus 1965 Crown Coach Fire Pumper Truck at an auction to
be held on March 5, 1994,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that one (1) 1965 Crown Coach Fire Pumper Truck
has become surplus property to the City's needs and the Council
does hereby authorize the sale of said surplus property.

BE IT FURTHER RESOLVED that said property is authorized
to be sold at a public auction to be conducted by Roger Ernst and
Associates on Saturday, March 5, 1994, at 824 Kiernan Avenue,
subject to an agreement between the City of Modesto and Roger
Ernst and Associates for auctioneering services which was entered
into on the 4th day of October, 1988, and which agreement was
approved by Council Resolution No. 88-757; subject also to the
appropriate insurance being on file in the Office of the City
Clerk.

BE IT FURTHER RESOLVED that at least five (5) days
before the time fixed for the sale, the City Clerk shall cause
notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE BID OF MBM CONSTRUCTION FOR THE BRIGGSMORE AVENUE WATERLINE FROM MCHENRY AVENUE TO COFFEE ROAD PROJECT

WHEREAS, Resolution No. 93-693, adopted by the Council of the City of Modesto on December 7, 1993, approved the plans and specifications for the Briggsmore Avenue waterline construction from McHenry Avenue to Coffee Road project and authorized the calling for bids; and

WHEREAS, the bids received for the Briggsmore Avenue waterline from McHenry Avenue to Coffee Road project were opened at 11:00 a.m. on January 6, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of MBM Construction in the amount of $150,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of MBM Construction in the amount of $150,000 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO APPROPRIATE FUNDS FROM RESERVE TO FUND A NEW CIP PROJECT.

WHEREAS, the McHenry Mansion Fund had a $19,271 fund balance as of 6/30/93.

WHEREAS, it was determined that this money could be used for McHenry Mansion renovations and improvements.

WHEREAS, it is necessary to appropriate this funds and create a new CIP project titled McHenry Mansion Restoration.

THEREFORE, the following adjustment is necessary:

McHenry Mansion Fund

<table>
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<th>Fund/Agy/Org/Rev-Obj</th>
<th>Expenditures</th>
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<tr>
<td>180-800-8000-8003</td>
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<tr>
<td>180-360-D403-6040</td>
<td>McHenry Mansion Restoration</td>
<td>$17,000.</td>
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</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OAKDALE PARK L.P. FOR THE ACQUISITION OF A 0.304+ ACRE PERMANENT EASEMENT AND A 0.223+ ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Oakdale Park, L.P. for the acquisition of a 0.304+ acre permanent easement and a 0.223+ acre temporary easement for the Sonoma Sewer Trunk project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: ____________________________
NORMINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-60

A RESOLUTION FINDING THAT THE ACQUISITION OF
A PERMANENT EASEMENT FOR THE SONOMA SEWER
TRUNK PROJECT IN THE VILLAGE ONE AREA IS
CONSISTENT WITH THE PROGRAM ENVIRONMENTAL
IMPACT REPORT (OAKDALE PARK LP).

WHEREAS, the Modesto City Council has adopted
Resolution No. 90-757 certifying that the Village One Final EIR
is complete and adequate pursuant to Section 15090 of the
California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby finds that the acquisition of a permanent
easement from Oakdale Park, a California Limited Partnership, for
acquisition of a permanent easement for the Sonoma Sewer Trunk
Project is consistent with the Village One Specific Plan and the
program EIR for the following reasons:

1. With the proposed project, no new effects will
occur and no new mitigation measures will be required, beyond
what is contained in the Program Environmental Impact Report for
the Village One Specific Plan (Section 15168(c)(2) of the State
CEQA Guidelines).

2. The proposed project is within the scope of the
Village One Specific Plan (Section 15168(c)2 of the State CEQA
Guidelines).

3. No substantial changes are desired and no new
information has become available, regarding the proposed project.

01/25/94 -1- GP04138/CA/rh
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A GRANT AGREEMENT WITH UNIVERSITY OF CALIFORNIA DAVIS, INSTITUTE OF TRANSPORTATION STUDIES FOR $100,000 IN FUNDING TO PROVIDE PLANNING, DEVELOPING, OPERATING AND DATA COLLECTION SERVICES IN CONNECTION WITH NEIGHBORHOOD TELECENTERS OCCUPIED BY TELECOMMUTERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement between the City of Modesto and the University of California Davis, Institute of Transportation Studies for $100,000 in funding to provide planning, developing, operating and data collection services in connection with neighborhood telecenters occupied by telecommuters be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FY1993-94 TO PROVIDE FOR GRANT FUNDING REVENUE FROM THE UNIVERSITY OF CALIFORNIA DAVIS, INSTITUTE OF TRANSPORTATION STUDIES FOR DEVELOPING A NEIGHBORHOOD TELECENTER.

WHEREAS, the Council of the City of Modesto has been notified of a grant from the University of California Davis, Institute of Transportation Studies to provide for University planning, developing, operating and data collection services in connection with neighborhood telecenter(s) occupied by telecommuters, and

WHEREAS, it is necessary to amend the annual budget of the City of Modesto for FY1993-94 to estimate grant related revenues and appropriate grant related expenditures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the General Fund, Fund No. 010 of the City of Modesto for FY 1993-94.

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Sub revenue 02 = SHVUAPCD
Sub revenue 04 = U C Davis

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<th>Appropriations</th>
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<tr>
<td>010-080-0802-5779</td>
<td>Telecenter Equipment</td>
<td>7,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 25th day of January, 1994, by
Councilmember Muratore, who moved its adoption, which motion being duly
seconded by Councilmember Friedman, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan
       Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-63

A RESOLUTION APPROVING THE SUBMITTAL OF A
MODESTO CITY-COUNTY AIRPORT PREAPPLICATION FOR
FEDERAL FUNDS TO COMPLETE IMPROVEMENT PROJECTS
BETWEEN FISCAL YEARS 1995-2000 AND AUTHORIZING
THE CITY MANAGER TO EXECUTE THE PREAPPLICATION
ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City is eligible for Airport
Improvement Program (AIP) funds to complete needed airport capital
improvements, and

WHEREAS, the Federal Aviation Administration (FAA) has
informed the nation's airport operators that the Administration is
requiring sponsors (owners) to submit a multi-year preapplication, and

WHEREAS, the multi-year preapplication will include two
projects which staff will submit with its FY 1995 capital
improvement program budget that the City Council will consider
later this year, the projects are the resurfacing and extension of
Airport Way and the rehabilitation of the general aviation area
apron pavement, and

WHEREAS, it is estimated that the two projects will cost
approximately $631,000 and that local participation will require
$63,100,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City
of Modesto that it hereby authorizes the submittal of a Modesto
City-County Airport preapplication for federal funds in the amount
of $2,749,770 to complete the airport's improvement projects
between fiscal years 1995-2000.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to sign the preapplication on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __________ 25th day of January________, 1994, by Councilmember __________ Muratore________, who moved its adoption, which motion being duly seconded by Councilmember __________ Friedman________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________ Michael D. Milich, Acting City Attorney
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $149,072 FOR THE
12TH STREET WATERLINE PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM: Neece Avenue waterline $149,072
(612 480 178 6030)

TO: 12th and B Street waterline $149,072
(612 480 0359 6000)

This is a new project that is not in the C.I.P. Stanislaus Foods
Cannery on 12th Street is experiencing low water pressure during the
summer when they are operating. This project would provide plenty
of pressure and volume for fire protection and use for the area.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 25th day of January ,
1994, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION TO PROVIDE FOR THE REGULATION OF BASIC SERVICE TIER RATES AND RELATED EQUIPMENT, INSTALLATION AND SERVICE CHARGES OF ANY CABLE TELEVISION SYSTEM OPERATING IN THE CITY OF MODESTO.

WHEREAS, on October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 which, among other things, provided that the basic service tier rates, and the charges for related equipment, installation and services, of a cable television system (hereinafter, "Basic Service Rates and Charges") shall be subject to regulation by a franchising authority in accordance with regulations prescribed by the Federal Communications Commission (hereinafter the "FCC"), and

WHEREAS, on April 1, 1993, the FCC prescribed such regulations in the Report and Order, In the Matter of Implementation of Sections of Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993) (hereinafter the "FCC Rate Regulations"), and

WHEREAS, the City of Modesto (hereinafter, the "City") is a franchising authority with the legal authority to adopt, and the personnel to administer, regulations with respect to the Basic Service Rates and Charges of any cable television system operating in the City, including, without limitation, the system currently being operated by Post-Newsweek Cable (hereinafter "the Company") pursuant to Ordinance No. 2293-C.S., Granting a
Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communication System Within the City of Modesto, as amended by Ordinance Nos. 2946-C.S. and 2759-C.S., relating to the Non-exclusive Franchise Granted to Post-Newsweek Cable, Inc., (hereinafter the "Franchise"), and

WHEREAS, the City desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the City and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The City will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the City, notwithstanding any different or inconsistent provisions in the Franchise; and

2. In connection with such regulation, the City will ensure a reasonable opportunity for consideration of the views of interested parties; and

3. The City Manager, or his or her designee, is hereby authorized to execute on behalf of the City and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the City to regulate Basic Service Rates and Charges; and
4. This Resolution shall be effective immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-66

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PROJECT SENTINEL FOR A GRANT OF $9,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Project Sentinel for a grant of $9,000 under the Community Development Block Grant Program to act as the recipient and provide overall training, management and legal expertise for fair housing complaints be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January , 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORMA COYLE, CITY CLERK
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $200,000 TO FUND THE EMERGENCY HOME REPAIR PROGRAM

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Housing Rehabilitation Loan Program $200,000 (113 140 1456 0497)

TO: Emergency Home Repair Program $200,000 (113 140 1456 0495)

Funds for needed to reactivate the Emergency Home Repair Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-68

A RESOLUTION APPROVING SUBMISSION OF THE ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, the greatest portion of the City's funding for the Bus Service Fund other than farebox revenues is the Local Transportation Fund, and

WHEREAS, the funding is apportioned by the State in accordance with the Transportation Development Act through the Stanislaus Area Association of Governments (SAAG) to the City of Modesto, and

WHEREAS, the City of Modesto's claim for fiscal year 1993-94 has been prepared in the amount of $3,547,346, which includes some funds for bicycle lanes and street maintenance purposes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute said Transportation Development Act claim on behalf of the City of Modesto, and that submission of the City of Modesto's Transportation Development Act Fund claim to the Stanislaus Area Association of Governments (SAAG) in the amount of $3,547,346 for fiscal year 1993-94 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES:  Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-69

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF WILLIAM COVEY FROM THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AND THE HOUSING REHABILITATION LOAN COMMITTEE, EFFECTIVE JANUARY 25, 1994

WHEREAS, William Covey was appointed a member of the Community Housing and Community Development Committee and the Housing Rehabilitation Loan Committee in 1984 and 1989 respectively; and

WHEREAS, William Covey has tendered his resignation from the Citizens Housing and Community Development and Housing Rehabilitation Loan Committees, effective January 25, 1994.

NOW, THEREFORE, BE IT RESOLVED that the resignation of William Covey is hereby accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behelf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to William Covey for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-70

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DARTH MILLER FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JANUARY 25, 1994

WHEREAS, Darth Miller was appointed a member of the Affirmative Action Commission on May 7, 1991; and

WHEREAS, Darth Miller has tendered his resignation from the Affirmative Action Commission, effective January 25, 1994.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Darth Miller is hereby accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Darth Miller for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION REAPPOINTING MEMBERS TO THE COMMUNITY QUALITIES FORUM

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons are hereby reappointed to the Community Qualities Forum for the respective terms as indicated:

Juanita Jackson
David McKean
Claudia Moorad
Howard Spivak
Terry Swehla

All terms to expire 12/31/97

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 94-71  

A RESOLUTION APPROVING A PLAN TO REMOVE TRAINS FROM NINTH STREET AND TO BUILD TWO GRADE SEPARATIONS.

WHEREAS, the City of Modesto received a federal Demonstration Grant to remove the trains from Ninth Street between P Street and D Street, and

WHEREAS, the removal of the trains from Ninth Street has been of interest to City Councils since 1951, when the original franchise allowing the trains to use Ninth Street expired, and

WHEREAS, a plan to remove the trains from Ninth Street was previously provided to the City Council in July 1991 by the consultant, DeLeuw, Cather & Company, and

WHEREAS, a duly noticed public hearing was held by the Council at its meeting of February 1, 1994, to consider approving the updated plan to remove the trains from Ninth Street and to build two grade separations as presented in the report from the Public Works and Transportation Department, dated January 24, 1994, a copy of which report is on file in the Office of the City Clerk, and

WHEREAS, there are three major elements to the plan, as follows:

1. Remove the Union Pacific trains from Ninth Street, all the way north to Bangs Avenue. The removal of the tracks, or their retention, is not part of the plan, and need not be decided now as it will be 1997 before any removal could take place.
2. Build an overpass connecting Needham Street and Kansas Avenue above the Southern Pacific tracks.

3. Extend Tuolumne Boulevard easterly along the north side of the Tuolumne River to beyond the Ninth Street bridge by going under the various bridges and trestles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said plan, to remove the Union Pacific trains from Ninth Street in the City of Modesto, all the way north to Bangs Avenue, is hereby approved as set forth in a report from the Public Works and Transportation Department dated January 24, 1994, a copy of said report is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that staff is hereby directed to proceed with the development of the plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _______ day of ________, 1994, by Councilmember ________, who moved its adoption, which motion being duly seconded by Councilmember ________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________
NORRINE COYLE, City Clerk

(SEAL)
APPROVED AS TO FORM:

By ____________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-71A

A RESOLUTION CERTIFYING REVIEW OF
ENVIRONMENTAL ASSESSMENT, APPROVING THE
PROPOSED NEGATIVE DECLARATION, AND DIRECTING
THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF
THE ENVIRONMENTAL IMPACT RELATING TO THE
MODESTO RAILROAD AND GRADE SEPARATION
DEMONSTRATION PROJECT.

WHEREAS, the City's Environmental Assessment Committee
(EAC) conducted an initial study to determine if the Modesto
Railroad and Grade Separation Demonstration project might have a
significant effect on the environment, and

WHEREAS, the EAC recommended that a draft draft
mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the
public review period on the draft negative declaration were
forwarded to the City Council for consideration with the
recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental
impacts with the project, and

WHEREAS, the Federal Highways Administration determined
that this project will not have a significant impact on the
environment and on November 24, 1993, issued a Finding of No
Significant Impact in regard to this project, and

WHEREAS, City staff thereafter recommended that the
Modesto City Council approve the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the

02/02/94
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-72

A RESOLUTION APPROVING THE VILLAGE ONE SPECIFIC PLAN AMENDMENT NO. 3.

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, by Resolution No. 90-828A the Council adopted the Village One Specific Plan, and by Resolutions No. 91-407 and 92-222, the Council amended said Village One Specific Plan, and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 20, 1993, and by Planning Commission Resolution No. 93-64, the Planning Commission recommended to the City Council adoption of the Amended Village One Specific Plan as Village One Specific Plan Amendment No. 3, and

WHEREAS, the proposed Village One Specific Plan Amendment No. 3 was set for a City Council public hearing to be held on February 1, 1994, which public hearing was duly noticed and held at 7:30 p.m., in the City Council Chambers, 801 11th Street, Modesto, California, for the purpose of receiving public comment on the proposed Village One Specific Plan Amendment No. 3, and
WHEREAS, the City's Environmental Assessment Committee has reviewed each of the proposed changes in the comprehensive rewrite in detail and has recommended that the City Council find that the proposed Specific Plan amendments are within the scope of the project described in the approved Village One Environmental Impact Report, certified by the City Council on September 11, 1990, by Resolution No. 90-757, and

WHEREAS, the City Council has reviewed and considered the public input and other information concerning Village One Specific Plan Amendment No. 3,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds as follows:

1. That the attached amendment of the Village One Specific Plan relating to the comprehensive rewrite is consistent with the Village One Specific Plan and the City of Modesto's General Plan.

2. That the Village One Specific Plan Amendment No. 3 is within the scope of the Village One Environmental Impact Report, which adequately describes the proposed Specific Plan Amendments for the purposes of the California Environmental quality Act, therefore, the proposed amendments have undergone adequate environmental review under the California Environmental Quality Act.

BE IT FURTHER RESOLVED, that the Council hereby adopts the Specific Plan Amendment No. 3 in the form of the Amended Specific Plan, a copy of which is on file in the Office of the City Clerk, and rescinds the Village One Specific Plan adopted by Resolution No. 92-222.
BE IT FURTHER RESOLVED that should an additional time extension be granted to P-D(484), the following text regarding P-D(484) shall become operative:

Page II-31, Subparagraph c)

"...This approval expired on December 20, 1993. However, a time extension for P-D(484) to December 20, 1994 was approved."...

Page II-32, Second Paragraph

"...If building permits have not been applied for by December 20, 1994, in reliance on P-D(484), then commercial uses will no longer be permitted on this site."...

Page III-82, Subparagraph f

"...If building permits have not been applied for by December 20, 1994, for P-D(484), then commercial uses will no longer be permitted on that site."...

BE IT FURTHER RESOLVED that should an additional time extension for P-D(484) be denied, the textual changes above shall be inoperative, and the following text requiring the repeal of P-D(484) shall become operative:

Page II-31, Subparagraph c)

"...This approval expired on December 20, 1993."...

Page II-32, Second Paragraph

"Commercial uses will no longer be permitted on this site."...

Page III-82, Subparagraph f

"Commercial uses will no longer be permitted on this site."...

BE IT FURTHER RESOLVED that the City Council hereby
adopts the proposed amendments to the Village One Specific Plan, these amendments include revisions to the December 1993 Draft Specific Plan Amendment No. 3 document as indicated on page 3 of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEI D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-72 A

A RESOLUTION FINDING THAT REZONING OF THE VILLAGE ONE AREA FROM SPECIFIC PLAN ZONE, (SP), TO SPECIFIC PLAN HOLDING, (SP-H), IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, on December 1, 1994, the City's Environmental Assessment Committee (EAC) conducted an analysis to determine if a proposed Village One Specific Plan Amendment #3 might have a significant effect on the environment, and

WHEREAS, the EAC made the findings that the proposed Village One Specific Plan Amendment #3 project is within the scope of the Village One Specific Plan, and the Program EIR (SCH No. 90020181) for the Village One Specific Plan adequately describes the project for the purposes of CEQA (Section 15168, State CEQA Guidelines), and the proposed changes to the project pose no new significant environmental impacts that were not considered in the Program EIR (Section 15162 State CEQA Guidelines), and no substantial changes have occurred which will require important revisions in the Program EIR due to the involvement of new significant environmental impacts not covered in the previous EIR (Section 15162, State CEQA Guidelines), and

WHEREAS, the EAC identified no long-term environmental
impacts with the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the proposed Specific Plan Amendment #3 project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

(Seal)

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-73

A RESOLUTION DENYING THE APPEAL OF RESOURCES DEVELOPMENT, TO PLANNING COMMISSION DECISIONS DENYING AN APPLICATION TO AMEND THE GENERAL PLAN FROM A COMMERCIAL DESIGNATION TO A RESIDENTIAL DESIGNATION; DENYING AN AMENDMENT TO SECTION 19-3-10 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(456), TO LOW DENSITY RESIDENTIAL ZONE, R-1, AND A NEW PLANNED DEVELOPMENT ZONE ON THE SOUTH SIDE OF BRIGGSMORE AVENUE EAST OF CLAUS ROAD; AND DENYING THE VESTING TENTATIVE MAP OF PARKER PLACE SUBDIVISION.
(REDEV., INC.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Redev., Inc., on October 22, 1993, to reclassify from Planned Development Zone, P-D(456), to Low Density Residential Zone, R-1, and to a new Planned Development Zone, for a small commercial site, property located on the south side of Briggsmore Avenue east of Claus Road, described as follows:

P-D(456) to R-1:

All that certain real property situate in a portion of the North half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Southwest corner of Parcel 2 as shown on the Parcel Map filed in Book 18 of Parcel Maps at Page 9, Stanislaus County Records; thence North 0°39'16" West, 320.00 feet along the west line of said Parcel 2 and the East right-of-way line of Claus Road; thence North 89°20'44" East, 336.00 feet; thence North 0°39'16" West, 200.75 feet to the South right-of-way line of Parker Road; thence North 89°38'36" East, 594.46 feet along said South right-of-way line to the Northeast corner of Parcel 3 of said Parcel Map; thence South 0°31'18" East, 537.07 feet along the east line of

02/04/94
said Parcel 3 to the Southeast thereof; thence North 89°27'29" West, along the South line of said Parcel 2 and 3 a distance of 929.41 feet to the point of beginning.

Including the East 50.00 feet of Claus Road located between the above described property at the West section line of said Section 19.

Also including all of Parker Road and that portion of Modesto Irrigation Lateral No. 3 located between the north line of said Section 19 and the above described property.

P-D(456) to P-D

All that certain real property situate in a portion of Parcel 2 as shown on the Parcel Map filed in Book 18 of Parcel Maps at Page 9, Stanislaus County Records, lying in a portion of the North half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southwest corner of said Parcel 2; thence North 0°39'16" West along the West line of said Parcel 2 and the East right-of-way line of Claus Road, a distance of 320.00 feet to the Point of Beginning; thence continuing North 0°39'16" West along said East right-of-way line a distance of 127.42 feet to a tangent curve concave to the Southeast; thence 23.65 feet along said curve having a central angle of 90°19'14" and a radius of 15.00 feet to the South right-of-way line of Parker Road and the North line of said Parcel 2; thence continuing along said South right-of-way line North 89°39'58" East, 66.19 feet to a tangent curve concave to the Northwest; thence 109.46 feet along said curve having a central angle of 27°16'04" and a radius of 230.00 feet to a tangent line; thence North 62°23'54" East along said tangent line a distance of 34.18 feet to a tangent curve concave to the Southeast; thence 80.84 feet along said curve having a central angle of 27°14'42" and a radius of 170.00 feet to a tangent line; thence North 89°38'36" East along said tangent line a distance of 40.82 feet; thence South 0°39'16"
East, 200.75 feet; thence South 89°20'44"
West, 336.00 feet to the point of beginning.

Including the East 50.00 feet of Claus Road located between the above described property at the West section line of said Section 19.

Also including all of Parker Road and that portion of Modesto Irrigation Lateral No. 3 located between the north line of said Section 19 and the above described property.

and

WHEREAS, an application was submitted by Redev., Inc. to amend the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation regarding property located on the south side of Briggsmore Avenue and east of Claus Road, and

WHEREAS, the vesting tentative map of the Parker Place Subdivision was filed in the office of the Secretary of the Planning Commission on October 28, 1993, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, a public hearing were held by the Planning Commission on December 20, 1993, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered relating to said matters, and

WHEREAS, the Planning Commission by its Resolution No. 93-60 denied the application filed by Redev., Inc., for an amendment to the Land Use Element of the Modesto Urban Area General Plan for the reasons set forth in said Planning Commission Resolution, and
WHEREAS, the Planning Commission by its Resolution No. 93-61 denied the application filed by Redev., Inc., for an amendment to Section 19-3-10 of the Zoning Map to Rezone from P-D(456) to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, the Planning Commission by its Resolution No. 93-62 denied the vesting tentative map of Parker Place Subdivision filed by Redev., Inc., on October 28, 1993, for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the application to amend the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation, the denial of the application to amend Section Map 19-3-10 of the Zoning Map to rezone from Planned Development Zone, P-D(456), to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, and the denial of the Vesting Tentative Map of Parker Place Subdivision, was filed with the Office of the City Clerk by letter dated December 21, 1993, from Resource Development, and

WHEREAS, said appeal was duly noticed and set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 1, 1994, at 7:30 p.m., and
WHEREAS, said public hearing was held at the date and time noted above, and after hearing evidence both oral and documentary, the Council found and determined as follows:

SECTION 1. That said appeal to the Planning Commission's decision denying a proposed amendment to the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation on the south side of Briggsmore Avenue east of Claus Road, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth below:

1). A neighborhood shopping center to serve the Lakewood and Lakewood East Neighborhoods is desirable, as provided for by Objective 4c and Standard 2c of the Land Use Element of the Modesto Urban Area General Plan.

2). The proposed project design does not take into account the proposed urban interchange at Claus Road and Briggsmore Avenue/Parker Road, both in terms of dimension and in terms of potential noise impact.

3). The proposed one-acre commercial site is not supported by the Planning Commission.

and

SECTION 2. That said appeal to the Planning Commission's decision denying a proposed amendment to the Section 19-3-10 of the Zoning Map to Rezone from P-D(456) to R-1 and a new P-D, property located on the south side of Briggsmore Avenue east of Claus Road, should be denied and the decision of the
Planning Commission should be affirmed for the reasons set forth below:

1). That the proposed rezone from P-D(456) to R-1, Low Density Residential and a new P-D for a one-acre commercial development is not in accordance with the community objectives as set forth in the General Plan, which provides for a Neighborhood Commercial Shopping Center at this location.

2). That the proposed design does not accommodate plans for an urban interchange in the Village One Facilities Master Plan and the SAAG County-wide expressway study, at the intersection of Claus Road and Parker Road.

SECTION 3. That said appeal to the Planning Commission's decision denying the vesting tentative map of Parker Place Subdivision, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth below:

1). That the proposed subdivision map is not consistent with the General Plan which designates Neighborhood Commercial at this location.

2). That the proposed subdivision design ignores plans for an urban interchange by the Village One Facilities Master Plan and the SAAG County-wide expressway study at the intersection of Claus Road and Parker Road.

and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Resource Development to the decision of the Planning Commission denying the application to amend the Land Use Element of the Modesto Urban Area General Plan, to amend Section 19-3-10 of the Zoning Map to rezone from P-D(456) to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, property located at on the south side of
Briggsmore Avenue East of Claus Road, and the vesting tentative map of Parker Place Subdivision are hereby denied for the reasons set forth above, and the decisions of the Planning Commission are hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: Dobbs, McClanahan

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR FURNISHING TRAFFIC SIGNAL EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for furnishing traffic signal
equipment
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
February 22, 1994 at 11:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 1st day of February
19 94, by Councilmember Dobbs, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-75

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REPLACING H STREET SEWER FROM 9TH STREET TO 19TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the replacement of the H Street sewer from 9th Street to 19th Street, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 3, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR RECOATING THE DISSOLVED AIR FLOTATION THICKENERS (DAFT) TANK

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the recoating of the dissolved air flotation thickeners (DAFT) tank, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 3, 1994, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF DELTA EXCAVATING, INC. FOR THE SONOMA TRUNK SEWER FROM FLOYD AVENUE TO SYLVAN AVENUE PROJECT

WHEREAS, Resolution No. 93-725 , adopted by the Council of the City of Modesto on December 21, 1993, approved the plans and specifications for the Sonoma Trunk Sewer from Floyd Avenue to Sylvan Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the Sonoma trunk sewer from Floyd Avenue to Sylvan Avenue project were opened at 11:00 a.m. on January 20, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Delta Excavating, Inc. in the amount of $508,936 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Delta Excavating, Inc. in the amount of $508,936 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-78

A RESOLUTION APPROVING A GRANT AGREEMENT FOR $1,500 TO CENTER FOR HUMAN SERVICES FOR ITS PROGRAM REGARDING YOUTH COURT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement between the City of Modesto and the Center for Human Services for its program regarding Youth Court, in the amount of $1,500 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-79

A RESOLUTION APPROVING A GRANT AGREEMENT FOR $1,500 TO COMMUNITY HOSPICE FOR ITS PROGRAM REGARDING SERVICES AVAILABLE TO THE COMMUNITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement between the City of Modesto and the Community Hospice for its program regarding services available to the community, and in the amount of $1,500 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LAIDLAW TRANSIT, INC. FOR THE LEASE OF SPACE IN THE TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Laidlaw Transit, Inc. for the lease of space in the Transportation Center be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, CITY CLERK
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GOMES BROTHERS FOR PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gomes Brothers for property rights needed for the Parallel Outfall Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

ABSENT: Councilmembers: None

Patterson

ATTEST: 

MORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-82

A RESOLUTION ACCEPTING A GRANT OFFER IN STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FUNDS FOR THE PURCHASE OF TREES TO BE PLACED IN CITY EASEMENTS.

WHEREAS, on April 27, 1993, the City Council authorized the City Manager to sign an application to the State of California Department of Forestry and Fire Protection for funding from the California Coastal, Wildlife and Park Land Conservation Act (1988 Proposition 70 Bond Act) for the purchase of trees to be planted in City easements, and

WHEREAS, these funds will pay for purchase of bareroot and 15 gallon containerized trees, and

WHEREAS, up to ten percent of total grant funds requested may be used for public education, and

WHEREAS, City staff is proposing to purchase 900 15 gallon container trees and 450 bare root trees, and

WHEREAS, City staff also proposes to spend $4,000 of the requested funding to distribute a comprehensive tree care brochure specific to the City's urban forestry program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the State of California Department of Forestry and Fire Protection for funding from the California Coastal, Wildlife and Park Land Conservation Act (1988 Proposition 70 Bond Act) for the purchase of trees to be planted in City easements.
BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit all documents, including but not limited to amendments, payment requests and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORrine COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-83

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR FY 1993-94 TO PROVIDE
FOR GRANT FUNDING REVENUE FROM THE STATE OF
CALIFORNIA IN THE AMOUNT OF $40,000 FOR
PLANTING OF STREET TREES.

WHEREAS, the Council of the City of Modesto has been
notified of a grant from the State of California for planting
street trees to be planted in City easements, and

WHEREAS, it is necessary to amend the annual budget of
the City of Modesto for FY 1993-94 to estimate grant related
revenues and appropriate grant related expenditures, for tree
planting and the distribution of a comprehensive tree care
brochure specific to the City's urban forestry program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the following changes be made to the Annual
Budget of the General Fund, Fund No. 010 of the City of Modesto
for FY 1993-94.

Revenue
010-320-3212-3134 State Grant $40,000

Appropriations
010-320-3212-0310 Gardening/Hort Supplies $36,000
010-320-3212-0301 Office Supplies $4,000

BE IT FURTHER RESOLVED that the Finance Director is
hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-84

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RALPH ANDERSEN AND ASSOCIATES TO PERFORM A COMPREHENSIVE AUDIT OF THE BUSINESS LICENSE TAX ORDINANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ralph Andersen and Associates to perform a comprehensive audit of the Business License Tax Ordinance be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ________
MORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-85

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING FIFTEEN NEW UTILITY TRUCKS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for furnishing fifteen new utility trucks copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 7, 1994 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST: NORRINE COYLE, City Clerk
MODesto CITY COUNCIL
RESOLUTION NO. 94-86

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GUILLERMO OCHOA FOR THE PURPOSE OF REHABILITATING PROPERTY AT 430 LEON AVENUE PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Guillermo Ochoa for the purpose of rehabilitating property at 430 Leon Avenue pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Patterson

ATTEST:  
NorrINE COYLe, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDREGG, INC. TO ESTABLISH A HORIZONTAL CONTROL NETWORK OF HIGH PRECISION SURVEYING POINTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Andregg, Inc. to establish a horizontal control network of high precision surveying points to be used as survey control for the City of Modesto Geographic Information System base map be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: __________________________

NORMINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-88

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
JOHANNES T. AND MARI L. NIJSKENS FOR PROPERTY RIGHTS NEEDED FOR THE PARALLEL
OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Johannes T. and Mari L.
Nijskens for property rights needed for the Parallel Outfall Project
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 8th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember McClanahan, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: ____________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BECK FAMILY TRUST FOR THE ACQUISITION OF A 0.78+ ACRE PERMANENT EASEMENT FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Beck Family Trust for the acquisition of a 0.78+ acre permanent easement for the Lakewood Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: ____________________________
NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-90

A RESOLUTION FINDING THAT THE ACQUISITION OF
A PERMANENT EASEMENT FOR THE LAKEWOOD SEWER
TRUNK PROJECT IN THE VILLAGE ONE AREA IS
CONSISTENT WITH THE PROGRAM ENVIRONMENTAL
IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted
Resolution No. 90-757 certifying that the Village One Final EIR
is complete and adequate pursuant to Section 15090 of the
California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby finds that the acquisition of a permanent
easement from the Beck Family Trust for a permanent easement for
the Lakewood Sewer Trunk Project is consistent with the Village
One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will
occur and no new mitigation measures will be required, beyond
what is contained in the Program Environmental Impact Report for
the Village One Specific Plan (Section 15168(c)(2) of the State
CEQA Guidelines).

2. The proposed project is within the scope of the
Village One Specific Plan (Section 15168(c)2) of the State CEQA
Guidelines).

3. No substantial changes are desired and no new
information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1994, by Councilmember **Friedman**, who moved its adoption, which motion being duly seconded by Councilmember **Cogdill**, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

**ATTEST:** NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By **MICHAEL D. MILICH**, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-91

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
SUBMIT AN APPLICATION FOR AB 2766 FUNDS FOR
CERTAIN PROJECTS.

WHEREAS, AB 2766 funds are available through the San
Joaquin Valley Unified Air Pollution Control District for
projects which are geared towards reducing air pollution, and

WHEREAS, the funds are available for capital assistance
and for one year of operating costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the City Manager or his authorized
representative is hereby authorized to submit a grant application
for $247,000 in AB 2766 funds for the following projects:
transit system marketing, bus engine replacement, bus service
expansion and an electric vehicle for the planned Telework
Center.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-92

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SHARON LEICHAM FROM THE LOCAL CABLE PROGRAMMING COMMITTEE, EFFECTIVE FEBRUARY 8, 1994

WHEREAS, Sharon Leicham was appointed a member of the Local Cable Programming Committee on May 7, 1991; and

WHEREAS, Sharon Leicham has tendered her resignation from the Local Cable Programming Committee, effective February 8, 1994; and

WHEREAS, Sharon Leicham has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Sharon Leicham be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Sharon Leicham for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-93

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR FURNISHING LINEN SERVICES AT ELEVEN FIRE DEPARTMENT LOCATIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for furnishing linen services at eleven Fire Department locations
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
March 7, 1994 at 11:05 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 15th day of February
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL FOR GENERATOR INSTALLATION AT WELLS 6, 40, 41, AND 42

WHEREAS, Resolution No. 93-738, adopted by the Council of the City of Modesto on December 28, 1993, approved the plans and specifications for generator installation at Wells 6, 40, 41 and 42 and authorized the calling for bids; and

WHEREAS, the bids received for generator installation at Wells 6, 40, 41 and 42 were opened at 11:00 a.m. on January 27, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Industrial Electrical be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Industrial Electrical be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF MAITA CHEVROLET-GEO FOR FURNISHING NINETEEN PATROL SEDANS THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, Resolution No. 93-709 , adopted by the Council of the City of Modesto on December 14 , 1993 , approved the plans and specifications for the purchase of twenty-three various types of vehicles and authorized the calling for bids; and

WHEREAS, the bids received for furnishing twenty-three various types of vehicles were opened at 11:00 a.m. on January 10, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Maita Chevrolet-Geo in the amount of $294,662.80 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Maita Chevrolet-Geo in the amount of $294,662.80 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norris Coyle, City Clerk
A RESOLUTION REJECTING THE BID FOR FOUR POLICE VEHICLES, OPENED IN THE OFFICE OF THE CITY CLERK ON JANUARY 10, 1994, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 93-709, adopted by the Council of the City of Modesto on December 14, 1993, approved the plans and specifications for furnishing twenty-three various types of vehicles, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of various types of vehicles were opened at 11:00 a.m. on January 10, 1994.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing four police vehicles are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing four police vehicles, to be opened March 14, 1994, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-97

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR FY 1993-94.

WHEREAS, it has been determined that certain
adjustments are required to the Annual Budget of the City of
Modesto for Fiscal Year 1993-94,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the changes listed in Exhibit "A" attached
hereto be made to the Annual Budget of the City of Modesto for FY
1993-94.

BE IT FURTHER RESOLVED that the Finance Director is
hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORM RED, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
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Rev C 733 30 6611 8128 595,230 691,230 96,000 709,230

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Rev C / A 751 700 7000 9113 0 5,729 5,729

Rev C / A 751 700 7000 9610 0 16,837 16,837

Rev C / A 751 700 7000 9621 0 38,322 38,322

Rev C / A 751 700 7000 9628 0 8,259 8,259

Rev C / A 751 700 7000 9631 0 4,204 4,204

Rev C / A 751 700 7000 9651 0 5,682 5,682

Rev C / A 751 700 7000 9660 0 9,164 9,164

Rev C / A 751 700 7000 9670 0 6,488 6,488

Rev C / A 751 700 7000 9885 0 3,883 3,883 660,470

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Ex C 751 30 6651 75X 163 58,786 169,256 110,470 719,256

Ex C / A 885 700 7000 88G 7732 0 939 939

Ex C / A 885 700 7000 88G 7751 0 3,883 3,883 4,822

Ex C 885 800 8000 88H 8003 362,144 357,322 (4,822)

Ex C / A 890 700 7000 89G 7732 0 642 642

Ex C 890 800 8000 89H 8003 146,411 145,769 (642)
### CITY OF MODESTO

**BUDGET TRANSACTION**

**FY 1993-94**

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<th>Ind</th>
<th>Current Budget</th>
<th>Revised Budget</th>
<th>Inc/Dec Amount</th>
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<td>1456</td>
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<td>1456</td>
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<td>23,500</td>
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<td>(7,923)</td>
<td>(8,123)</td>
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<td>1453</td>
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<tr>
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<td>3513</td>
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<td>1,644,945</td>
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<td></td>
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</tr>
<tr>
<td></td>
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<td>1457</td>
<td>3513</td>
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<td></td>
<td>266,221</td>
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<td>70,000</td>
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<tr>
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<td>114</td>
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<td>1453</td>
<td>3513</td>
<td></td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>23,500</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>117</td>
<td>140</td>
<td>1458</td>
<td>3517</td>
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<td>1,220,000</td>
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<td>1,004,857</td>
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<td>1459</td>
<td>3517</td>
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<td></td>
<td></td>
<td>215,143</td>
<td>215,143</td>
<td></td>
</tr>
</tbody>
</table>

Prepared By
RESOLUTION 94-98 UNUSED
MODESTO CITY COUNCIL
RESOLUTION NO. 94-99

A RESOLUTION ESTABLISHING CHARGES FOR METERED WATER SERVICES AND UNMETERED WATER SERVICES, ESTABLISHING DISCOUNTS FOR SENIOR AND DISABLED CITIZENS, AND RESCINDING RESOLUTION NO. 93-90.

WHEREAS, Sections 11-1.07 and 11-1.10 of the Modesto Municipal Code authorize the Council, by resolution, to establish charges for metered and unmetered water services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CHARGES FOR METERED WATER SERVICES. The charge for all water delivered through water meters shall be as follows:

Ready to Serve Charge:
On and After April 1, 1994

<table>
<thead>
<tr>
<th>Size of Meter</th>
<th>Monthly Rate March 1, 1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>½&quot;</td>
<td>$ 14.35</td>
</tr>
<tr>
<td>1 &quot;</td>
<td>19.10</td>
</tr>
<tr>
<td>1¼&quot;</td>
<td>23.73</td>
</tr>
<tr>
<td>2 &quot;</td>
<td>28.63</td>
</tr>
<tr>
<td>3 &quot;</td>
<td>38.18</td>
</tr>
<tr>
<td>4 &quot;</td>
<td>49.65</td>
</tr>
<tr>
<td>6 &quot;</td>
<td>74.63</td>
</tr>
<tr>
<td>8 &quot;</td>
<td>95.32</td>
</tr>
<tr>
<td>10 &quot;</td>
<td>114.91</td>
</tr>
<tr>
<td>12 &quot;</td>
<td>134.56</td>
</tr>
</tbody>
</table>

The charge for each additional 100 cf over 1,680 cf on a monthly rate .86

Commodity Charge:
For the first one thousand six hundred eighty (1,680) cubic feet of water delivered through a water meter,
per monthly period the monthly ready-to-serve charge shall apply for each meter size. For all water over one thousand six hundred eighty (1,680) cubic feet delivered through a water meter per monthly period, the charge shall be eighty-six ($.86) cents per one hundred (100) cubic feet.

If a meter shall be found out of order, the monthly charge shall be determined by the Finance Director based upon previous water consumption.

If a consumer has more than one meter, a separate ready-to-serve charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

SECTION 2. CHARGES FOR UNMETERED WATER SERVICES. The charge for all water delivered from an unmetered service after March 1, 1994, shall be as follows:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Monthly Rate March 1, 1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,500 SF, or less</td>
<td>$18.80</td>
</tr>
<tr>
<td>3,501 to 7,000 SF</td>
<td>21.68</td>
</tr>
<tr>
<td>7,001 to 10,500 SF</td>
<td>24.30</td>
</tr>
<tr>
<td>10,501 to 14,000 SF</td>
<td>26.91</td>
</tr>
<tr>
<td>14,001 to 17,500 SF</td>
<td>32.40</td>
</tr>
<tr>
<td>17,501 to 21,000 SF</td>
<td>37.99</td>
</tr>
</tbody>
</table>

For each 3,500 SF or fraction thereof over 21,000 5.11

When water is turned on or off at any time between the beginning and end of the monthly period, the amount charged shall be pro-rated to the nearest one-half (½) month.

A five (5) percent discount will be made in all billings on unmetered services paid one year in advance.

SECTION 3. WATER DISCOUNT RATES FOR SENIOR CITIZENS AND DISABLED PERSONS. The following water discount rates for senior citizens and disabled persons shall apply as follows:
Annual Income Levels

<table>
<thead>
<tr>
<th>Income Levels</th>
<th>Discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 7,560 or less</td>
<td>25%</td>
</tr>
<tr>
<td>$ 7,561 to $10,394</td>
<td>15%</td>
</tr>
<tr>
<td>$10,395 to $13,230</td>
<td>10%</td>
</tr>
</tbody>
</table>

Criteria to receive the discount is as follows:

1. Must be 60 years old.
2. Must live alone or with spouse.
3. Living with children will not qualify the household for a discount.
4. Must be able to prove the qualifying income level.
5. If living with a spouse, the combined income level will determine the level of discount.
6. If a disabled person, not necessarily a senior citizen, all qualifications of the senior citizen discount will apply except age.
7. All applicants must complete an application.

SECTION 4. PREPAID UNMETERED WATER SERVICE CHARGES.

Any person who has prepaid water service charges for unmetered water service and the period for which said unmetered water service charges were prepaid include any part or all of the period covered by Section 2 of this resolution shall be entitled to receive unmetered water service for said period for the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 93-90 adopted on February 23, 1993, is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-100

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FY1993-94 TO APPROPRIATE $6,554,000. FOR THE CITY'S SHARE OF DEBT SERVICE ON THE SURFACE WATER TREATMENT PLANT.

WHEREAS, when the 93-94 Annual Budget was adopted the timing of payments to Modesto Irrigation District for debt payments on the Surface Water Treatment Plant were not known, although funds were set aside in the Contingency Reserve for that purpose, and

WHEREAS, Bonds have now been issued and Modesto Irrigation District is requesting reimbursement for those payments

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the City of Modesto for FY 1993-94.

<table>
<thead>
<tr>
<th>Appropriations</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>611-800-8000-8003</td>
<td>Contingency Reserve ($6,554,000)</td>
</tr>
<tr>
<td>611-480-5013-0320</td>
<td>Water Purchases $6,554,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORM COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-10

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE
A REQUEST FOR INTEREST AND QUALIFICATIONS FOR
A CLASS "A" PROFESSIONAL MODESTO BASEBALL
STADIUM.

WHEREAS, pursuant to a report from the Parks and
Recreation Director dated February 11, 1994, a request was
submitted to the City Council to authorize City staff to issue a
request for interest and qualifications for a Class "A"
professional Modesto Baseball Stadium, and

WHEREAS, said report also requested that the City
Council authorize City staff to advertise, solicit and receive
responses from firms that have interest and qualification to
conceptualize a stadium for Class "A" professional baseball, as
well as for other cultural and recreational activities, based on
preliminary work completed by the City, and

WHEREAS, said report was considered by the City Council
at its meeting of February 15, 1994, and a copy of said report is
on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby authorizes City staff to issue a
request for interest and qualifications for a Class "A"
professional Modesto baseball stadium, to seek submittals from
firms that have interest, qualifications and desire to develop a
stadium in Modesto for Class "A" professional baseball, as well
as other cultural and recreational activities, based on the
City's guidelines attached as Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of ________February______, 1994, by Councilmember ____Dobbs______, who moved its adoption, which motion being duly seconded by Councilmember ____Lang______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _________________________________

MICHAEL D. MILICH, City Attorney
REQUEST FOR INTEREST AND QUALIFICATIONS

I. GOAL

The City of Modesto is seeking submittals from firms that have interest, qualifications and desire to develop a stadium in Modesto for Class "A" professional baseball, as well as other cultural and recreational activities based on the City's guidelines.

II. BACKGROUND

Threatened with the possibility that professional baseball might leave Modesto because John Thurman Field does not meet Professional Baseball Agreement (PBA) standards, the City Council agreed to form the Mayor's Baseball Stadium Committee to determine the feasibility of financing, constructing and operating a professional baseball stadium in Modesto.

Four sub-committees were formed to evaluate data, assess options and provide recommendations. The Market Interest and Community Support sub-committee used customer surveys, focus groups and special interest groups to assess interest and support. The Financing sub-committee examined the various options to finance the design, construction and operation of the stadium. The Site Selection sub-committee developed a criteria for site needs and researched and rated potential sites. The Stadium Scope and Program Justification sub-committee identified a potential program for professional baseball, other baseball related activities and other non-baseball related activities and researched other stadiums' responses to program needs to develop a "scope of project".

In addition, the firm of Coopers & Lybrand was retained to validate data and provide additional recommendations, and a Stadium Master Plan was prepared by Hellmuth, Obata & Kassabaum, Inc. Sports Facilities Group (HOK Sport).

Finally, staff toured similar facilities and assessed all of the data and conclusions. After evaluating anticipated revenue and amending the scope of the project, a revised cost estimate was prepared.

Data collected during the evaluation process indicate a high level of interest in the community for a new baseball stadium. The City feels that there may be interested companies who would develop a financial proforma, design and construct a stadium at a cost supported by projected revenue.

Exhibit "A"
The Following Reports are attached:
- HOK Study of John Thurman Field
- Mayor's Baseball Stadium Committee, final reports
- Coopers & Lybrand study
- HOK Master Plan
- Staff report to City Council

III. GUIDELINES

A. Stadium development and operating costs will not be offset by further impacts to the City's General Fund.

B. HOK Master Plan may be used as the guideline for the design program. However, the City encourages firms to consider alternative design programs, sites and/or renovation of the existing facility (John Thurman Field).

C. Stadium must be operational for professional baseball no later than April 1995.

D. Existing recreational uses that are impacted by the stadium development must be mitigated.

E. If a firm proposes an acceptable concept, environmental review must be undertaken immediately thereafter so that it is completed prior to project approval. Even so, some documentation of environmental consideration will be required from the outset.

IV. SCOPE OF WORK

Firms should provide a conceptional development and operating plan. As a minimum, the plan should include the following:

A. Design/construction methodology

B. Management plan
   1. Management responsibilities of owner, developer, baseball franchise and other.
   2. Stadium proforma.
   3. Operating and maintenance plan.
C. Financing plan

1. Development cost estimate. Note: Environmental certification has not been obtained.

2. Financing mechanisms.

3. Financial obligations of the City, baseball franchise and developer.

V. QUALIFICATIONS AND REFERENCES

A. The purpose of the Request for Interest and Qualifications is to determine the qualifications and experience of prospective firms and/or consultant teams to develop a multi-purpose stadium for Class "A" professional baseball as well as other recreational and cultural activities. Candidate firms are specifically requested to focus their Statements of Interest and Qualifications on multi-purpose stadium development.

Prospective consultants should pay particular attention to Section VI., Submittal Format. Close adherence to this format is strongly encouraged, to facilitate staff review.

B. All Statements of Interest and Qualifications will be screened by City staff to determine minimum qualifications. A limited number of firms will be invited to an interview. Upon recommendation of staff and approval of a Request for Proposal process by City Council, the most qualified firms will be sent a detailed Request for Proposal. The anticipated tasks to be covered in this RFP will most likely relate to Section IV., with possible subsequent revisions by staff. Submitted Proposals will be further screened and ranked.

It is important to stress that these future steps are tentative and should in no way influence the preparation of the Statements of Interest and Qualification.
VI. SUBMITTAL FORMAT

Prospective firms should structure their Statement of Interest and Qualifications into the following format:

A. Brief cover letter (1-2 pages), signed by a Principal in the firm.

B. Expanded Resumes of Active Principals and Potential Project Manager(s). (None need to be designated at this time.)

C. Expanded Resumes of those individuals who have experience with multi-purpose stadium development.

D. Three (3) Summary Descriptions (no more than three pages each) of multi-purpose stadium development projects prepared by the firm. Selection of these examples should illustrate involvement of personnel listed in B. and C. above.

E. Three professional references who are in a position to attest to the overall time- and cost- effectiveness of the firm and its key staff, as well as the firm's ability to develop effective mitigation measures which are tailored to the local agency's discretionary approval process.

F. If subconsultants are listed in this Statement of Qualifications, all of the above information (A-E) should be provided for each subconsultant. Past collaborations between Prime and Sub should also be presented.

VII. SUBMITTAL GUIDELINES

A. Statements of Interest and Qualifications should be brief and to the point. Detailed explanations, expensive graphics, and excessive length are not desired. The Statement of Interest and Qualifications will be evaluated as an example of the consultant's writing ability and internal quality control process.
B. Promptness of submittals is strongly desired. The City views consultants' performance during the selection process as a prediction of their expected performance once selected. Timely and complete submittal of requested information is required.

C. All proposals will remain confidential during the selection process.

D. Requests for further information and other inquiries should be directed to:

   James E. Niskanen, Assistant Director of Parks and Recreation

   (209) 577-5351

   FAX (209) 576-7069

E. Please remit five (5) copies of your submittals no later than 5:00 p.m. on March 11, 1994, to the City of Modesto Parks and Recreation Department, Court Floor, City Hall, 801 11th Street, Modesto, CA 95354. The mailing address for the above location is: P.O. Box 642, Modesto, CA 95353.
MODESTO CITY COUNCIL  
RESOLUTION NO. 94-102

A RESOLUTION COMMENDING JEFFREY P. COWAN FOR  
HIS CONTRIBUTION TO THE MODESTO COMMUNITY BY  
SERVING AS A MEMBER OF THE MODESTO IRRIGATION  
DISTRICT BOARD OF DIRECTORS.

WHEREAS, Jeffrey P. Cowan has retired from the Modesto  
Irrigation District Board of Directors, effective December 3,  
1993, and

WHEREAS, during his twelve years with the Modesto  
Irrigation District Board of Directors Mr. Cowan contributed to  
the leadership and direction of the M.I.D. to secure long-term  
power resources, and

WHEREAS, the M.I.D.'s water users and electric  
customers in this community will benefit in the years to come  
from Mr. Cowan's efforts on their behalf,

NOW, THEREFORE, BE IT RESOLVED by the Council of the  
City of Modesto that it hereby commends Jeffrey P. Cowan for his  
many years of service to the community in his capacity as a  
member of the Modesto Irrigation District Board of Directors.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: NORMINE COYLE, City Clerk

02/14/94
MODESTO CITY COUNCIL
RESOLUTION NO. 94-103

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
DOROTHY M. MCCLURE FOR THE PURPOSE OF REHABILITATING PROPERTY AT 419 SUTTER
AVENUE, PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Dorothy M. McClure for
the purpose of rehabilitating property at 419 Sutter Avenue, pursuant to the
City of Modesto's Housing Rehabilitation Program

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
        Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ___________________________
        NORRINE COYLE, CITY CLERK
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GALLO VINEYARDS, INC. FOR THE LEASE OF MARK TWAIN PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Gallo Vineyards, Inc.
for the lease of Mark Twain Park site

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember McClanahan, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman, Patterson

ATTEST: Horrine Coyle
HORRINE COYLE, CITY CLERK
AMENDED
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALCORN FARMS FOR THE LEASE OF PROPERTY NEEDED FOR THE SURFACE WATER TREATMENT PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alcorn Farms for the lease of property needed for the Surface Water Treatment Plant be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEND: [Signature]
HORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING RIGHT OF ENTRY FROM GARRARD W. MARSH, et.al., ALLOWING ENTRY TO 0.94± ACRES OF HIS PROPERTY TO CONSTRUCT THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Garrard W. Marsh, et.al., allowing entry to 0.92± acres of his property to construct the Lakewood Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Garrard W. Marsh, et.al., for the project be accepted.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-107

A RESOLUTION FINDING THAT THE RIGHT OF ENTRY FROM GARRARD W. MARSH, ET AL., FOR THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the right of entry from Garrard W. Marsh, et al., for the Lakewood Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-108

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING RIGHT OF ENTRY FROM MCHENRY BOWL, et.al., ALLOWING ENTRY TO 0.72+ ACRES OF THEIR PROPERTY TO CONSTRUCT THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and McHenry Bowl, et.al., allowing entry to 0.72+ acres of their property to construct the Lakewood Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from McHenry Bowl, et.al., for the project be accepted.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____________________________
NORRINE COYLE, City Clerk
A RESOLUTION FINDING THAT THE RIGHT OF ENTRY FROM MC HENRY BOWL, INC., ET AL., FOR THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the right of entry from McHenry Bowl, Inc., et al., for the Lakewood Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember **Friedman**, who moved its adoption, which motion being duly seconded by Councilmember **Cogdill**, was upon roll call carried and the resolution adopted by the following vote:

**AYES:**

Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

**NOES:**

Councilmembers: None

**ABSENT:**

Councilmembers: Patterson

**ATTEST:**

Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODOESTO CITY COUNCIL
RESOLUTION NO. 94-110

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
E.B. AND YOULA E. POLAKIS FOR THE ACQUISITION OF 0.569+ ACRE AND 0.0050+
PERMANENT EASEMENTS AND 0.290+ ACRE AND 0.1196+ ACRE TEMPORARY EASEMENTS FOR
THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and E.B. and Youla E. Polakis
for the acquisition of 0.569+ acre and 0.0050+ acre permanent easements and
0.290+ acre and 0.1196+ acre temporary easements for the Lakewood Sewer Trunk
Project
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 15th day of February ,
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

ABSENT: Councilmembers: None

ATTEST: Norma Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-111

A RESOLUTION FINDING THAT THE ACQUISITION OF PERMANENT EASEMENTS FOR THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA ARE CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT. (E. B. AND YOULA E. POLAKIS)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition from E. B. and Youla E. Polakis for permanent easements for the Lakewood Sewer Trunk Project are consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

**ATTEST:** NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-112

A RESOLUTION APPROVING THE FINAL MAP OF THE
ABEL PLACE SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, T & L Holding, Inc., a California corporation,
is possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 2.857 acres, known as the
Abel Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 7th day of
December, 1992, and

WHEREAS, the Secretary of the Planning Commission of
the City of Modesto has certified that the final map of said
tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said Abel Place Subdivision meets
all of the provisions of the California Subdivision Map Act and
the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that said final map be approved; that the
streets, alleys and easements as shown thereon within the
boundaries of said tract be accepted on behalf of the public for
public use; and that the City Clerk be authorized to certify the
map of said tract on behalf of the City of Modesto after the fees
and deposits required by the Modesto Municipal Code in amounts
determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEI D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-113

A RESOLUTION AUTHORIZING THE PURCHASE OF SURPLUS MATERIAL FROM THE "FEDERAL SURPLUS PROPERTY DONATION PROGRAM", AND AUTHORIZING CERTAIN CITY EMPLOYEES AS CITY OF MODESTO REPRESENTATIVES TO ACQUIRE SUCH PROPERTY.

WHEREAS, the Federal Government, through the State of California Department of General Services, is offering for sale various surplus and excess property through the "Federal Surplus Property Donation Program", and

WHEREAS, some of the property is new and unused and could be used by various departments of the City of Modesto, and

WHEREAS, the Modesto Police Department has been advised of certain material being surplused by the Federal Government, located in Sacramento, that the Modesto Police Department may have a need for, and

WHEREAS, in order to have access, view and ultimately purchase the property a resolution allowing yearly access is required, and

WHEREAS, the Council desires to designate certain City employees as representatives to acquire such property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Officer of the City of Modesto will submit to the State Department of General Services the names of the persons authorized to view the property and make purchases.
BE IT FURTHER RESOLVED that the following City employees are hereby authorized as City of Modesto representatives to acquire federal surplus property from the California State Agency for Surplus Property:

Bob Guthrie, Police Captain  
Russ Serna, Police Lieutenant  
Joe Aja, Police Sergeant  
Jim Pregler, Purchasing Officer  
Peter Lucido, Buyer

BE IT FURTHER RESOLVED that the Purchasing Officer is directed to assure that all purchases made are within City of Modesto's established procedures and that appropriate funds are available for said purchases.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-114

A RESOLUTION ACCEPTING WITH REGRET, THE RESIGNATION OF J. B. PICCO FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE FEBRUARY 15, 1994

WHEREAS, J.B. Picco was appointed a member of the Community Qualities Forum on December 22, 1992; and

WHEREAS, J.B. Picco has tendered his resignation from the Community Qualities Forum, effective February 15, 1994.

NOW, THEREFORE BE IT RESOLVED that the resignation of J.B. Picco from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to J.B. Picco for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER TANK NO. 4 AND WELL NO. 54 INSTALLATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for water tank No. 4, and Well No. 54 installation, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 24, 1994 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR FURNISHING READY-MIX CONCRETE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for furnishing ready-mix
concrete
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
March 14, 1994 at 11:05 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 22nd day of February
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODesto city council
resolution no. 94-117

a resolution rejecting all bids for the lakewood trunk sewer from briggsmore avenue to sylvan avenue project, opened in the office of the city clerk on january 20, 1994, and authorizing new call for bids

whereas, resolution no. 93-724, adopted by the council of the city of modesto on december 21, 1993, approved the plans and specifications for the lakewood trunk sewer from briggsmore avenue to sylvan avenue project, and authorized the calling for bids; and

whereas, the bids received for the lakewood trunk sewer from briggsmore avenue to sylvan avenue, were opened at 11:05 a.m. on january 20, 1994; and

whereas, a bid protest disclosed that city specifications incorporating california department of transportation specification 8-1.01, required elaboration and clarification.

now, therefore be it resolved by the council of the city of modesto that all bids received for the lakewood trunk sewer from briggsmore avenue to sylvan avenue project, opened in the office of the city clerk on january 20, 1994, are hereby rejected.

be it further resolved by the council of the city of modesto that new call for bids for the lakewood trunk sewer from briggsmore avenue to sylvan avenue project to be opened march 9, 1994, at 11:00 a.m., is hereby approved.

the foregoing resolution was introduced at a regular meeting of the council of the city of modesto held on the 22nd day of february, 1994, by councilmember cogdill, who moved its adoption, which motion being duly seconded by councilmember friedman, was upon roll call carried and the resolution adopted by the following vote:

ayes: councilmembers: cogdill, dobbs, friedman, mcclanahan, muratore, mayor lang

noes: councilmembers: none

absent: councilmembers: patterson

attest: norrine coyle, city clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 94-118  

A RESOLUTION ACCEPTING THE INSTALLATION OF WATER TANK NO. 5 AS COMPLETE  

WHEREAS, a report has been filed by the Director of Public Works, that the installation of Water Tank No. 5 has been completed by Scrimsher & Mineni Construction, Inc. in accordance with the contract agreement dated March 9, 1993.  

NOW, THEREFORE, BE IT RESOLVED that the installation of Water Tank No. 5 be accepted from said contractor, Scrimsher & Mineni Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $621,084.01 as provided in the contract, be authorized.  

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:  

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang  

NOES: Councilmembers: None  

ABSENT: Councilmembers: Patterson  

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-119

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94
ANNUAL BUDGET TO ESTABLISH A NEW CAPITAL
PROJECT FOR VILLAGE ONE LAND ACQUISITION.

WHEREAS, the City Council has approved a hardship
policy whereby property owners may request that the City purchase
property designated for future City use if the inability to sell
is related to the proposed use and is creating a financial
hardship, and

WHEREAS, funds in the amount of $10,000 are needed for
acquisition related expenses prior to actual acquisition. Since
acquisition of property in the Northeast McHenry Neighborhood has
been postponed, the funds are available from this project
(135-310-P950-6030),

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the following adjustment is necessary

Parks Capital Facilities Fee Fund

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev-Obj</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>135-310-P950-6030</td>
<td>Northeast McHenry Neighborhood Acquisition ($10,000)</td>
</tr>
<tr>
<td>135-310-D406-6030</td>
<td>Village One Park Land Acquisition $10,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is
hereby authorized to take the necessary steps to implement the
provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-120

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LARRY A. AND PATRICIA L. ASKEW, AND DAVID AND SANDRA MESENHIMER, dba MODESTO FLIGHT CENTER FOR THEIR OPERATION AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Larry A. and Patricia L. Askew, and David and Sandra Mesenhimer, dba Modesto Flight Center for their operation at the Modesto Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEN! __________________________________________________________________________
NONNIE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-121

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING RIGHT OF ENTRY FROM RONALD L. LAFORCE, ALEX G. LIAKOS, AND ANDREW N. LUND, ALLOWING ENTRY TO 0.608+ ACRE OF THEIR PROPERTY TO CONSTRUCT THE SONOMA SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ronald L. LaForce, Alex G. Liakos, and Andrew N. Lund for the acquisition of 0.608+ acre of their property to construct the Sonoma Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Ronald L. LaForce, Alex G. Liakos, and Andres N. Lund for the Sonoma Sewer Trunk Project be accepted.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-122

A RESOLUTION FINDING THAT THE RIGHT OF ENTRY FROM RONALD L. LA FORCE, ET AL., FOR THE SONOMA SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the right of entry from Ronald L. La Force, et al., for the Sonoma Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST:

NORRINE COYLE, City Clerk

02/22/94
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRUCE BECK FOR THE LAKewood SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bruce Beck for the Lakewood Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

DOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTACH: }

HORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-124

A RESOLUTION FINDING THAT AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRUCE BECK NOT TO PLANT A CROP ON FIVE ACRES OF LAND BECK IS LEASING FROM LUST, ET AL., LOCATED IN THE LAKEWOOD SEWER TRUNK PROJECT AREA IN THE VILLAGE ONE AREA, IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that an agreement between the City of Modesto and Bruce Beck to compensate Beck for not planting a crop on land that Beck is leasing from John Lust, et al., known as Assessor's Parcel No. 52-20-51, located in the Lakewood Sewer Trunk Project area in the Village One area is consistent with the Village One Specific Plan and the program EIR for the Lakewood Sewer Trunk Project for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)(2) of the State CEQA
Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cgdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF HODES AND LOUIS R. AND JOYCE H. MENEZES FOR PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Louis R. and Joyce H. Menezes for property rights needed for the Parallel Outfall Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________

NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-126

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WADE D. AND KAY S. SMITH FOR THE LEASE OF 1204 RIVER ROAD (MANCINI HOUSE)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Wade D. and Kay S. Smith for the lease of 1204 River Road (Mancini house) be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

ABSENT: Councilmembers: None

Patterson

ATTEST: Horrine Coyle, City Clerk
A RESOLUTION TERMINATING THE LEASE OF CHANI AND REBECCA VILLANEUVA FOR THE MANCINI HOUSE AT 1204 RIVER ROAD

BE IT HEREBY RESOLVED by the City Council of the City of Modesto that the agreement between the City of Modesto and Chani and Rebecca Villaneuva for the lease of 1204 River Road (Mancini house) be, and it hereby is terminated.

BE IT FURTHER RESOLVED that the execution of said termination by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-128

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Community Development Program Specialist

The revised specification for the classification of Community Development Program Specialist I/II (Range 124 and 128), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after February 22, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanshan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I/II

DEFINITION
Under general direction from the Community Development Program Manager, provides administrative and technical support to the Community Development Program Office. Also initiates and maintains contact with property owners, residents, organizations and governmental entities involved in community development programs offered through the Community Development Program Office.

DISTINGUISHING CHARACTERISTICS
Community Development Program Specialist I - This position is distinguished from the Community Development Program Specialist II by the performance of the more routine tasks and duties assigned to the position.

Community Development Program Specialist II - Employees within this class are distinguished from the Community Development Program Specialist I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside, require prior work experience directly related to the area of assignment.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

Provide administrative and technical support to the Community Development Program Manager.

Compile and analyze data and prepare annual reports including the Grantee Performance Report, Community Development Block Grant (CDBG) Application, HOME Application and Comprehensive Housing Affordability Strategy (CHAS).

Provide statistical methodology for major projects.

Coordinate informational seminars and workshops.

Prepare data and reports for citizen committees, primarily the Economic Development Loan Committee and Citizens Housing and Community Development Committee.

Assist in the marketing of community development programs administered through the Community Development Program Office; write and prepare brochures and flyers, video tape segments, newspaper and magazine advertising copy.

Exhibit "A"
CITY OF MODESTO
COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I/II

Assist in monitoring Mortgage Revenue Bonds and other tax-exempt financing.

Monitor small-business loans, nonprofit organizations and other governmental entities for proper expenditures according to loan or grant agreements and Federal regulations.

Responsible for the implementation of the Affordable Housing Task Force and Housing Trust Fund.

Develops and maintains automated systems for compilation of economic data, housing data and participant files.

Monitors the low income benefit and the effectiveness of existing community development programs, and recommends the addition, expansion, or modification of programs and public outreach to respond to diverse and changing community needs.

Reviews and analyzes proposals and makes funding recommendations.

Advises prospective first-time home buyers about the availability of local, state and federal housing programs.

Acts as Budget Officer for the division; prepares and administers the division budget; manages the day-to-day fiscal operation and funding allocation; responsible for gathering and compiling financial data for annual reports.

Prepares and/or updates policies and procedures of existing community development programs.

Assist residents with relocation under the Housing Rehabilitation Program

Assist with loan package preparation to applicants under the Small Business Loan Program.

Performs related duties as assigned.

DESIABLE QUALIFICATIONS

Community Development Program Specialist I -

Knowledge Of:

Federal, State and local housing and community development programs and regulations.

Effective communication skills with a diversity of clients.

Technical report writing.
Basic statistical and record-keeping methods.
Principles and practices of basic small business operations.
Basic computer skills and operations.

**Ability To:**
Gather data and prepare recommendations
Prepare statistical charts, graphs and exhibits.
Foster cooperative working relationships with the general public.
Deal effectively with individuals from a variety of ethnic and socio-economic groups.
Prepare and present reports for public meeting and funding workshops.
Establish and maintain cooperative working relationships with those contacted in the course of work.
Communicate clearly and concisely, both orally and in writing.

**Community Development Program Specialist II -**

In addition to the Desirable Qualifications for the Community Development Program Specialist I:

**Knowledge Of:**
Principles and practices of loan packaging and underwriting.
Principles and practices of contract monitoring.
Principles and practices of budget preparation and administration.
Computer and software knowledge, including spreadsheets.

**Ability To:**
Organize and implement comprehensive reports and community development programs.
Interpret and apply Federal, State, and local policies, procedures, laws and regulations.
Ability to analyze pro-formas and financial statements.
Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

FOR BOTH COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I AND II:

Education:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in finance, business or public administration or related field.

License:

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

Experience:

SPECIALIST I:

Two year of increasingly responsible experience in finance, community development, or related field. Familiarity with housing programs is highly desirable.

SPECIALIST II:

At least three years increasingly responsible experience in finance, community development, or a related field with a minimum of one year in a community development or housing agency.
A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 91-724 TO APPROVE A REVISED CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES.

WHEREAS, Exhibit "A" of Resolution No. 91-724 has been previously amended by Resolution No. 92-18, and

WHEREAS, the City Council desires to further amend Exhibit "A" of Resolution No. 91-724,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-724.

Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective November 26, 1991", attached to Resolution No. 91-724, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective February 22, 1994", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" splits the class specification for Community Development Program Specialist into two levels, Community Development Program Specialist I at Range 124 and Community Development Program Specialist II at Range 128.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 22, 1994.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
## EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective February 22, 1994

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 103   | Administrative Clerk I  
       | Printing Services Operator I |
| 104   |       |
| 105   |       |
| 106   |       |
| 107   | Printing Services Operator II  
       | Administrative Clerk II  
       | Animal Control Officer I  
       | Custodian |
| 108   |       |
| 109   | Police Clerk |
| 110   | Maintenance Worker I  
       | Equipment Service Worker I |
| 111   | Account Clerk  
       | Sr. Printing Service Operator  
       | Animal Control Officer II  
       | Evidence & Property Specialist |
| 112   | Code Enforcement Officer I |
| 113   | Computer Operator  
       | Administrative Technician  
       | Drafting & Graphics Technician |
| 114   | Electrical Technician I  
       | Storeskeeper  
       | Maintenance Worker II  
       | Equipment Service Worker II |
# EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective February 22, 1994

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
       | Planning Technician I  
       | Wastewater Treatment Plant Attendant  
       | Community Service Officer  
       | Assistant to the Events Coordinator |
| 116   | Code Enforcement Officer II  
       | Equipment Operator  
       | Fire Prevention Technician I  
       | Meter Reader/Repair Worker  
       | Motor Sweeper Operator  
       | Traffic Technician  
       | Traffic Painter  
       | Traffic Sign Worker  
       | Water Line Worker |
| 117   | Electrical Technician II  
       | Storm Water Inspector |
| 118   | Tree Trimmer  
       | Senior Storeskeeper  
       | Street Trees Crewleader  
       | Parking Lot Maintenance Crewleader  
       | Parks Crewleader |
| 119   | Maintenance Mechanic - Parks  
       | Planning Technician II  
       | Maintenance Mechanic - Pumps  
       | Wastewater Treatment Plant Operator  
       | Civil Engineering Technician I  
       | Building Maintenance Mechanic  
       | Police Administrative Assistant |
EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective February 22, 1994

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 120   | Welder/Fabricator  
       | Senior Equipment Operator  
       | Fire Prevention Technician II  
       | Equipment Mechanic  
       | Assistant Electrician  
       | Traffic Painter Crewleader  
       | Accountant I  
       | Assistant Lab Technician |
| 121   |       |
| 122   | Coach Mechanic  
       | Fire Equipment Mechanic  
       | Tree Trimmer Crewleader  
       | Programmer Analyst I  
       | Industrial Waste Inspector I  
       | Cross Connection Specialist |
| 123   | Sr. Wastewater Treatment Plant Operator  
       | Maint. Mech. Crewleader - Pumps  
       | Civil Engineering Technician II  
       | Maint. Mech. Crewleader - Parks |
| 124   | Plant Mechanic  
       | Laboratory Technician  
       | Equipment Mechanic Crewleader  
       | Planning Assistant  
       | Equipment Crewleader  
       | Community Development Program Specialist I |
| 125   | Crime Analyst |
EXHIBIT A
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective February 22, 1994

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 126   | Coach Mechanic Crewleader  
       | Building Inspector I  
       | Electrician  
       | Housing Rehab. Specialist I  
       | Housing Financial Specialist  
       | Industrial Waste Inspector II  
       | Senior Fire Equipment Mechanic |
| 127   | Civil Engineering Assistant  
       | Landscape Technician |
| 128   | Instrument Repair Technician  
       | Programmer Analyst II  
       | Public Improvement Specialist  
       | Community Development Program Specialist II |
| 129   | Building Inspector II  
       | Construction Inspector  
       | Housing Rehabilitation Spec. II  
       | Hazardous Materials Inspector  
       | Senior Crime Analyst |
| 130   | Sr. Civil Engineering Asst. |
| 131   | |
| 132   | |
| 133   | |
| 134   | Senior Building Inspector  
       | Senior Construction Inspector  
       | Fire Plan Checker  
       | Plan Review Engineer |
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EDWIN S. DARDIN ASSOCIATES, INC. FOR CONSULTANT SERVICES FOR ARCHITECTURAL AND ENGINEERING PLANS FOR THE JOHANSEN POOL SUPPORT FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Edwin S. Dardin Associates, Inc. for consultant services for architectural and engineering plans for the Johansen Pool support facility be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

ABSENT: Councilmembers: None

ATTEST: ____________

NONNINE COYLE, CITY CLERK
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF BONNIE JOHNSON FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE FEBRUARY 22, 1994

WHEREAS, Bonnie Johnson was appointed a member of the Human Relations Commission on December 7, 1993; and

WHEREAS, Bonnie Johnson has tendered her resignation from the Human Relations Commission, effective February 22, 1994; and

WHEREAS, Bonnie Johnson has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Bonnie Johnson from the Human Relations Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Bonnie Johnson for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, CITY CLERK
A RESOLUTION APPOINTING LYNNE GONZALES AS THE PLANNING COMMISSION REPRESENTATIVE TO THE BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Board of Zoning Adjustment as the Planning Commission representative for the respective term as indicated:

Lynne Gonzales
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Board of Zoning Adjustment and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

BOARDs AND COMMISSIONs

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-133

A RESOLUTION APPOINTING DENNIS JACKMAN TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Citizens Advisory Committee on Recycling for the respective term as indicated:

Dennis Jackman

Term to expire 1/1/97

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Advisory Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-134

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(479) AS AN ADDITION TO P-D(479).
(STANISLAUS COUNTY HOUSING AUTHORITY)

WHEREAS, on December 8, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 12-3-8 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(479), as an addition to P-D(479), property located on the west side of Conant Avenue, south of the Hetch Hetch right-of-way might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMIE COYLE, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
RESOLUTION NO. 94-135 UNUSED
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REMODELING THE RESTROOMS AT DOWNEY AND DAVIS PARKS TO MAKE THEM ACCESSIBLE TO THE HANDICAPPED

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for remodeling the restrooms at Downey and Davis Parks to make them accessible to the handicapped, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 31, 1994 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
MORRINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
FURNISHING DISCING SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for furnishing discing services
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
March 21, 1994 at 11:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 1st day of March
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORMINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS
FOR FURNISHING TRAFFIC SIGNAL ACCESSORIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for furnishing traffic signal
accessories
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
March 21, 1994
at 11:05 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 1st day of March
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: _____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE MELLIS, SENIOR CITIZENS AND BEYER PARKING AREAS REHABILITATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Mellis, Senior Citizens and Beyer Parking areas rehabilitation has been completed by Graham Contractors, Inc. in accordance with the contract agreement dated July 6, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Mellis, Senior Citizens and Beyer Parking areas rehabilitation be accepted from said contractor, Graham Contractors, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $27,182.43 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1994 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORTINE COYLE, City Clerk
RESOLUTION NO. 94-140

A RESOLUTION ACCEPTING THE ZEFF ROAD STREET IMPROVEMENTS AT WATER TANK NO. 5 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the Zeff Road street improvements at water tank No. 5 has been completed by Ross Carroll, Inc. in accordance with the contract agreement dated September 21, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Zeff Road street improvements at water tank No. 5 be accepted from said contractor, Ross Carroll, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $54,947.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-141

A RESOLUTION APPROVING THE CONCEPT OF A REORGANIZATION OF THE STRUCTURE OF THE FINANCE DEPARTMENT TO IMPLEMENT ORGANIZATIONAL RECOMMENDATIONS RESULTING FROM AN AUDIT OF THE FINANCE DEPARTMENT WHICH WAS CONDUCTED BY ARROYO SECO ASSOCIATES, INC.

WHEREAS, in June 1993, a report relating to the Finance Department Organization Study, which was conducted by Arroyo Seco Associates, Inc., "Consultants" was presented to the City Council, and a copy of said report is on file in the Office of the City Clerk, and

WHEREAS, the Consultants' report provided a comprehensive analysis of the Department's organization, operations and policies, and

WHEREAS, the Consultants' report contained recommendations, that if implemented, would enhance the efficiency and effectiveness of the Finance Department, and

WHEREAS, the proposed adjustments, as well as other adjustments, without fiscal impacts, are discussed in detail in a report from the Finance Director to the Council entitled "Response to Management: Proposed (Re)organization" dated February 24, 1994, a copy of which is on file in the office of the City Clerk, and

WHEREAS, proposed organizational adjustments with fiscal impacts are outlined in the document entitled, "Costs and Savings by Position of Proposed Finance Department

03/01/94 -1-
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1\textsuperscript{st} day of March, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

\textbf{AYES:} Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

\textbf{NOES:} Councilmembers: None

\textbf{ABSENT:} Councilmembers: Patterson

\textbf{ATTEST:} NORRINE COYLE, City Clerk

\textbf{(SEAL)}

\textbf{APPROVED AS TO FORM:}

By \underline{MICHAEL D. MILICH, City Attorney}
(Re)organization", marked Attachment "A", which is attached hereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. That the proposed reorganization of the structure of the Finance Department to implement organizational recommendations resulting from an audit of the Finance Department which was conducted by Arroyo Seco Associates, Inc., is hereby approved in concept.

SECTION 2. That the proposed organizational adjustments with fiscal impacts as outlined in the document entitled, "Costs and Savings by Position of Proposed Finance Department (Re)organization", marked Attachment "A", which is attached hereto, are hereby approved in concept.

SECTION 3. That the proposed reorganizational adjustments relating to personnel title changes that have no fiscal impact which are set forth on Attachment "B", which is attached hereto, are hereby approved in concept, pending specific approval by Resolution of the Council at a later date providing for appropriate amendments to job specifications/titles and class range tables.

SECTION 4. That the City Manager is hereby authorized to take the necessary steps to implement the provisions of this resolution.
### COSTS AND SAVINGS BY POSITION OF PROPOSED FINANCE DEPARTMENT (RE)ORGANIZATION

<table>
<thead>
<tr>
<th>Division</th>
<th>Position and Proposed Action</th>
<th>Full-Year Savings</th>
<th>Full-Year Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Customer Services</strong></td>
<td>Delete: Vacant funded Accountant I&lt;br&gt;Add: New Customer Services Supervisor</td>
<td>($39 K)</td>
<td>39 K</td>
</tr>
<tr>
<td></td>
<td>Delete: Vacant, funded Account Clerk&lt;br&gt;Add: New Customer Services Supervisor</td>
<td>(32 K)</td>
<td>39 K</td>
</tr>
<tr>
<td></td>
<td>Add: New Customer Services Specialist</td>
<td></td>
<td>48 K</td>
</tr>
<tr>
<td><strong>Accounting</strong></td>
<td>Delete: Principal Accountant&lt;br&gt;Add: Accountant II at .75 FTE (up from .25 FTE currently)</td>
<td>(64 K)</td>
<td>28 K</td>
</tr>
<tr>
<td></td>
<td>Delete: Vacant, funded Accountant II&lt;br&gt;Add: New Account Clerk</td>
<td>(48 K)</td>
<td>31 K</td>
</tr>
<tr>
<td><strong>Budget and Financial Analysis</strong></td>
<td>Add: New Manager of Budget and Financial Analysis</td>
<td></td>
<td>67 K</td>
</tr>
<tr>
<td></td>
<td>Add: Budget Analyst at 1.0 FTE (up from .75 FTE currently),</td>
<td></td>
<td>12 K</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(183 K)</td>
<td>265 K</td>
</tr>
<tr>
<td></td>
<td>Net additional cost of position changes (1/2 General Fund, 1/2 Enterprise Funds)</td>
<td></td>
<td>82 K</td>
</tr>
<tr>
<td></td>
<td>FY 1994-95 increased audit revenue (General Fund)</td>
<td>(50 K)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Annual hard-dollar cost (all Enterprise Funds)</td>
<td></td>
<td>$32 K</td>
</tr>
</tbody>
</table>

**NOTE:** Savings and cost include salary and benefits
## Finance Reorganization

### Title Changes

<table>
<thead>
<tr>
<th>Name</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Enero</td>
<td>Financial Analyst</td>
<td>Financial/Investment Officer</td>
</tr>
<tr>
<td>Debra Eggerman</td>
<td>Budget Analyst</td>
<td>Senior Budget Analyst</td>
</tr>
<tr>
<td>Catherine Brown</td>
<td>Asst Budget Analyst</td>
<td>Budget Analyst</td>
</tr>
<tr>
<td>Barry Newlin</td>
<td>Finance Division Manager</td>
<td>Accounting Division Manager</td>
</tr>
<tr>
<td>Bill Young</td>
<td>Finance Division Manager</td>
<td>Customer Service Division Manager</td>
</tr>
<tr>
<td>Tracy Hancock</td>
<td>Warehouse Supervisor</td>
<td>Stores Manager</td>
</tr>
</tbody>
</table>

**Attachment "B"**
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALLEN R. BECK, et al FOR THE ACQUISITION OF A 2.91+ ACRE PERMANENT EASEMENT AND A 0.43+ ACRE TEMPORARY EASEMENT FOR THE LAKewood SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that

the agreement between the City of Modesto and Allen R. Beck, et al

for the acquisition of a 2.91+ acre permanent easement and a 0.43+ acre
temporary easement for the Lakewood Sewer Trunk Project

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 1st day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

DOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________

HARRINE COYLE, CITY CLERK
A RESOLUTION FINDING THAT THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS FOR THE LAKEWOOD SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT. (Allen R. Beck, et al.)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition of permanent and temporary easements from Allen R. Beck, et al., for permanent and temporary easements for the Lakewood Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2 of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of _____ March _____, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JALA INTERNATIONAL, INC. FOR PROFESSIONAL SERVICES FOR PREPARATION OF A VILLAGE ONE TELECOMMUNICATIONS STUDY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and JALA International, Inc. for professional services for preparation of a Village One Telecommunications Study

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

ABSENT: Councilmembers: None

ATTEST: Horriene Coyle, City Clerk
A RESOLUTION DENYING THE APPEAL OF RESOURCE DEVELOPMENT WITHOUT PREJUDICE, TO PLANNING COMMISSION DECISIONS DENYING AN APPLICATION TO AMEND THE GENERAL PLAN FROM A COMMERCIAL DESIGNATION TO A RESIDENTIAL DESIGNATION; DENYING AN AMENDMENT TO SECTION 19-3-10 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(456), TO LOW DENSITY RESIDENTIAL ZONE, R-1, AND A NEW PLANNED DEVELOPMENT ZONE ON THE SOUTH SIDE OF BRIGGSMORE AVENUE EAST OF CLAUS ROAD; DENYING THE VESTING TENTATIVE MAP OF PARKER PLACE SUBDIVISION; AND RESCINDING RESOLUTION 94-73. (REDEV., Inc.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Redev., Inc., on October 22, 1993, to reclassify from Planned Development Zone, P-D(456), to Low Density Residential Zone, R-1, and to a new Planned Development Zone, for a small commercial site, property located on the south side of Briggsmore Avenue east of Claus Road, described as follows:

P-D(456) to R-1:

All that certain real property situate in a portion of the North half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Southwest corner of Parcel 2 as shown on the Parcel Map filed in Book 18 of Parcel Maps at Page 9, Stanislaus County Records; thence North 0°39'16" West, 320.00 feet along the west line of said Parcel 2 and the East right-of-way line of Claus Road; thence North 89°20'44" East, 336.00 feet; thence North 0°39'16" West, 200.75 feet to the South right-of-way line of Parker Road; thence North 89°38'36" East, 594.46 feet along said South right-of-way line to the Northeast corner of Parcel 3 of said Parcel Map; thence South 0°31'18" East, 537.07 feet along the east line of
said Parcel 3 to the Southeast thereof; thence North 89'27'29" West, along the South line of said Parcel 2 and 3 a distance of 929.41 feet to the point of beginning.

Including the East 50.00 feet of Claus Road located between the above described property at the West section line of said Section 19.

Also including all of Parker Road and that portion of Modesto Irrigation Lateral No. 3 located between the north line of said Section 19 and the above described property.

P-D(456) to P-D

All that certain real property situate in a portion of Parcel 2 as shown on the Parcel Map filed in Book 18 of Parcel Maps at Page 9, Stanislaus County Records, lying in a portion of the North half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southwest corner of said Parcel 2; thence North 0'39'16" West along the West line of said Parcel 2 and the East right-of-way line of Claus Road, a distance of 320.00 feet to the Point of Beginning; thence continuing North 0'39'16" West along said East right-of-way line a distance of 127.42 feet to a tangent curve concave to the Southeast; thence 23.65 feet along said curve having a central angle of 90'19'14" and a radius of 15.00 feet to the South right-of-way line of Parker Road and the North line of said Parcel 2; thence continuing along said South right-of-way line North 89'39'58" East, 66.19 feet to a tangent curve concave to the Northwest; thence 109.46 feet along said curve having a central angle of 27'16'04" and a radius of 230.00 feet to a tangent line; thence North 62'23'54" East along said tangent line a distance of 34.18 feet to a tangent curve concave to the Southeast; thence 80.84 feet along said curve having a central angle of 27'14'42" and a radius of 170.00 feet to a tangent line; thence North 89'38'36" East along said tangent line a distance of 40.82 feet; thence South 0'39'16" East, 200.75 feet; thence South 89'20'44" West, 336.00 feet to the point of beginning.
Including the East 50.00 feet of Claus Road located between the above described property at the West section line of said Section 19.

Also including all of Parker Road and that portion of Modesto Irrigation Lateral No. 3 located between the north line of said Section 19 and the above described property.

and

WHEREAS, an application was submitted by Redev., Inc. to amend the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation regarding property located on the south side of Briggsmore Avenue and east of Claus Road, and

WHEREAS, the vesting tentative map of the Parker Place Subdivision was filed in the office of the Secretary of the Planning Commission on October 28, 1993, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, a public hearing were held by the Planning Commission on December 20, 1993, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered relating to said matters, and

WHEREAS, the Planning Commission by its Resolution No. 93-60 denied the application filed by Redev., Inc., for an amendment to the Land Use Element of the Modesto Urban Area General Plan for the reasons set forth in said Planning Commission Resolution, and
WHEREAS, the Planning Commission by its Resolution No. 93-61 denied the application filed by Redev., Inc., for an amendment to Section 19-3-10 of the Zoning Map to Rezone from P-D(456) to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, the Planning Commission by its Resolution No. 93-62 denied the vesting tentative map of Parker Place Subdivision filed by Redev., Inc., on October 28, 1993, for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the application to amend the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation, the denial of the application to amend Section Map 19-3-10 of the Zoning Map to rezone from Planned Development Zone, P-D(456), to Low Density Residential Zone, R-1, and a new Planned Development Zone, P-D, and the denial of the Vesting Tentative Map of Parker Place Subdivision, was filed with the Office of the City Clerk by letter dated December 21, 1993, from Resource Development, and

WHEREAS, said appeal was duly noticed and set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 1, 1994, at 7:30 p.m., and
WHEREAS, said public hearing was held at the date and time noted above, and after hearing evidence both oral and documentary, the Council found and determined as follows:

SECTION 1. That said appeal to the Planning Commission's decision denying a proposed amendment to the Land Use Element of the Modesto Urban Area General Plan from a Commercial Designation for a Neighborhood Shopping Center to a Residential Designation on the south side of Briggsmore Avenue east of Claus Road, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth below:

1. A neighborhood shopping center to serve the Lakewood and Lakewood East Neighborhoods is desirable, as provided for by Objective 4c and Standard 2c of the Land Use Element of the Modesto Urban Area General Plan.

2. The proposed project design does not take into account the proposed urban interchange at Claus Road and Briggsmore Avenue/Parker Road, both in terms of dimension and in terms of potential noise impact.

3. The proposed one-acre commercial site is not supported by the Planning Commission.

SECTION 2. That said appeal to the Planning Commission's decision denying a proposed amendment to the Section 19-3-10 of the Zoning Map to Rezone from P-D(456) to R-1 and a new P-D, property located on the south side of Briggsmore Avenue east of Claus Road, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth below:
1. That the proposed rezone from P-D(456) to R-1, Low Density Residential and a new P-D for a one-acre commercial development is not in accordance with the community objectives as set forth in the General Plan, which provides for a Neighborhood Commercial Shopping Center at this location.

2. That the proposed design does not accommodate plans for an urban interchange in the Village One Facilities Master Plan and the SAAG County-wide expressway study, at the intersection of Claus Road and Parker Road.

SECTION 3. That said appeal to the Planning Commission's decision denying the vesting tentative map of Parker Place Subdivision, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth below:

1. That the proposed subdivision map is not consistent with the General Plan which designates Neighborhood Commercial at this location.

2. That the proposed subdivision design ignores plans for an urban interchange by the Village One Facilities Master Plan and the SAAG County-wide expressway study at the intersection of Claus Road and Parker Road.

and

WHEREAS, by Council Resolution No. 94-73, the Council denied the appeal of Resource Development to the decision of the Planning Commission denying the application to amend the Land Use Element of the Modesto Urban Area General Plan, to amend Section 19-3-10 of the Zoning Map to rezone from P-D(456) to Low Density Residential Zone, R-1, and a new Planned Development zone, P-D, property located at the south side of Briggsmore Avenue East of Claus Road, and the vesting tentative map of Parker Place...
Subdivision for the reasons set forth above, and the decisions of
the Planning Commission were affirmed, and

WHEREAS, a request was filed with the City Clerk by
letter dated February 25, 1994, from Resource Development,
requesting that the City Council consider amending its decision
denying the appeal to denying the appeal "Without Prejudice", and

WHEREAS, at its Council Meeting of March 1, 1994, said
request to deny the appeal "Without Prejudice" filed by Resource
Development was considered by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the appeal of Resource Development to the
decisions of the Planning Commission denying the application to
amend the Land Use Element of the Modesto Urban Area General
Plan, denying an amendment to Section 19-3-10 of the Zoning Map
to rezone from P-D(456) to Low Density Residential Zone, R-1, and
a new Planned Development Zone, P-D, property located at on the
south side of Briggsmore Avenue East of Claus Road, and denying
a vesting tentative map of Parker Place Subdivision, is hereby
denied "Without Prejudice" for the reasons set forth above, and
the decisions of the Planning Commission are hereby affirmed.

BE IT FURTHER RESOLVED that Council Resolution No.
94-73 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE BID OF THORCON, INC. FOR THE EAST LA LOMA PARK SHADE STRUCTURE PROJECT

WHEREAS, Resolution No. 94-37, adopted by the Council of the City of Modesto on January 18, 1994, approved the plans and specifications for the East La Loma Park shade structure project and authorized the calling for bids; and

WHEREAS, the bids received for the East La Loma Park shade structure project were opened at 11:00 a.m. on February 17, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Thorcon, Inc. in the amount of $75,059.96 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Thorcon, Inc. in the amount of $75,059.96 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF GRAYBAR ELECTRIC FOR FURNISHING TRAFFIC SIGNAL EQUIPMENT

WHEREAS, Resolution No. 94-74, adopted by the Council of the City of Modesto on February 1, 1994, approved the plans and specifications for furnishing traffic signal equipment and authorized the calling for bids; and

WHEREAS, the bids received for furnishing traffic signal equipment were opened at 11:00 a.m. on February 22, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Graybar Electric in the amount of $26,607.33 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Graybar Electric in the amount of $26,607.33 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-148

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO DECLARING ITS INTENTION TO FORM A
BUSINESS IMPROVEMENT AREA TO BE KNOWN AS
"DOWNTOWN BUSINESS IMPROVEMENT AREA POLICE
BIKE PATROL", FIXING THE TIME AND PLACE FOR
HEARING, AND GIVING NOTICE THEREOF.

The Council of the City of Modesto, California, does
hereby resolve, determine, and order as follows:

SECTION 1. Authority. The proceedings herein are
taken pursuant to the authority of the "Parking and Business
Improvement Area Law of 1989", Streets and Highways Code Section
36500, et seq.

SECTION 2. Intention. The Council hereby declares its
intention to form a Business Improvement Area in the City of
Modesto in accordance with the provisions of said law.

SECTION 3. Name. The name of the proposed Business
Improvement Area to be formed is: "Downtown Business Improvement
Area Police Bike Patrol", hereinafter referred to as "AREA".

SECTION 4. AREA Description. A description of the
exterior boundaries of the "Downtown Business Improvement Area
Police Bike Patrol" is as follows:

All that portion of Sections 28, 29, 32 and
33, Township 3 South, Range 9 East, Mount
Diablo Base and Meridian, being a portion of
the City of Modesto, as per map filed
December 21, 1942, in Volume 15 of Maps,
Stanislaus County Records, described as
follows:

Beginning at the intersection of the center
lines of 9th Street and D Street; thence
Southwesterly along the centerline of D
Street to its intersection with the centerline of the Southern Pacific Company main line railroad tracks; thence Northwesterly along said centerline of the main line rails to the Westerly extension of the centerline of Needham Street; thence Easterly along said centerline of Needham Street to its intersection with the Section line between Section 28 and 29, said line lying within a portion of a City street known as McHenry Avenue; thence South along said Section line to the West Quarter Corner of Section 28; thence East along the 1/2 Section line of Section 28, said line being parallel, more or less, and lying within a City street known as Downey Avenue, to its intersection with the Northerly extension of the center line of Burney Street; thence Southerly along said center line of Burney Street to its intersection with the Northeasterly extension of D Street; thence Southwesterly along said center line of D Street to the point of beginning.

SECTION 5. Proposed Activities. The proposed activities to be funded by the levy of assessments on businesses within the AREA, as hereinafter provided, are the furnishing of three full-time uniformed police officers to serve as a downtown bicycle patrol for the benefit of businesses within the AREA. The assessments will be used to fund all monthly operating costs, salaries, benefits, overtime and reserve pay, and to purchase and maintain support equipment for the program.

SECTION 6. Proposed Method and Basis of Assessment. It is proposed that the levy of assessments on the businesses conducting their activities within the AREA be fixed and determined by the following schedule:

(1) Class I Businesses ("Small Businesses"): Every business conducting its activities within the AREA, wherein 10 or
fewer persons, including owners and employees, are employed, whether full-time, part-time, permanent or temporary, shall be subject to an assessment of $15.50 per month.

(2) Class II Businesses ("Medium Businesses"): Every business conducting its activities within the AREA, and wherein not less than 11 nor more than 25 persons, including owners and employees, are employed, whether full-time, part-time, permanent or temporary, shall be subject to an assessment of $30 per month.

(3) Class III Businesses ("Large Businesses"): Every business conducting its activities within the AREA, and wherein 26 or more persons, including owners and employees, are employed, whether full-time, part-time, permanent or temporary, shall be subject to an assessment of $45 per month.

SECTION 7. Collection of Assessments. The proposed assessments on businesses within the AREA shall be imposed annually and shall be payable, in advance, on the 1st day of January, April, July and October and delinquent at 5 o'clock p.m. on the last day of the month. Delinquent assessments shall be subject to a 25% penalty.

SECTION 8. New Businesses. It is proposed that new businesses shall not be exempt from the levy of assessment as hereinabove provided for.

SECTION 9. Proposed Exemption: Voluntary Contribution. It is proposed that any business, person, or institution located within the AREA which is exempt from payment of the levy of assessment by reason of the provisions of the
United States or State Constitutions, may make a voluntary contribution to the City to be used for the purposes provided in this resolution.

SECTION 10. Proposed Reduction of Assessment: Undue Burden. It is proposed that in any case in which the annual gross receipts resulting from the operation of a business do not exceed the sum of $2,000.00 and the payment of the levy of assessment would cause an undue hardship to the business on whom an assessment is to be levied, the business may be entitled to an reduction of the standard levy of assessment. Every business which has been granted such a reduction shall be subject to an assessment of $5.00 per month.

SECTION 11. Time and Place of Hearing; Notice. Notice is hereby given that on the 5th day of April, 1994, at 7:30 p.m. in the Council Chambers of the City Council in the City Hall, located at 801 - 11th Street in the City of Modesto, California, is the time and place fixed for the public hearing on this resolution of intention for the proposed formation and establishment of the "Downtown Business Improvement Area Police Bike Patrol". Any person interested in and/or objecting to or desiring to protest the formation and establishment of the AREA, the extent thereof, the boundaries thereof, the proposed amount of the levy of assessment, the classification of businesses, or any other proposal or matter set forth in this resolution of intention, may appear before the Council at said time and place above specified and be heard.
Written protests against the establishment of the AREA, the extent of the AREA, the furnishing of the proposed activities within the AREA, or any other matter contained in this resolution of intention must be filed with the City Clerk at or before the time fixed for the public hearing. Each written protest must contain a sufficient description of the business in which the person protesting is interested in so that he or she may be identified in official records of the City as the owner of the business therein, or be accompanied by written evidence that the person protesting is the owner of said business.

If written protests are received from owners of businesses in the proposed AREA which will pay 50 percent or more of the proposed assessments, and those protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceeding to create the AREA or to levy the proposed assessment shall be taken for a period of one year.

SECTION 12. Publication and Mailing of Notice. The City Clerk has caused notice of this public hearing to be published at least three times in the Modesto Bee, a newspaper of general circulation, printed and published in the City of Modesto, in accordance with Government Code Sections 54954.6 and 6063.

The City Clerk shall also cause to be mailed a copy of this resolution by first class mail, postage prepaid, to each business in the proposed AREA, as described herein, which mailing shall be completed within seven (7) days of the date this
resolution is adopted, all in accordance with Sections 36523 and 36523.5 of the Streets and Highways Code, and Section 54954.6 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember ___, who moved its adoption, which motion being duly seconded by Councilmember ___, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-149

A RESOLUTION URGING LOCAL LEGISLATORS TO SUPPORT AN AMENDMENT TO STATE LAW ALLOWING CITIES AND OTHER PUBLIC AGENCIES TO ADOPT ORDINANCES IMPOSING FINANCIAL RESPONSIBILITY ON BOTH THE PERPETRATOR AND THE PARENTS OF MINOR CHILDREN WHO COMMIT ACTS OF GRAFFITI VANDALISM.

WHEREAS, the City Council desires to develop a new ordinance which would deal effectively with the rampant graffiti problem and which would make parents of minors who commit acts of graffiti vandalism financially responsible for both restitution and a fine, and

WHEREAS, it is possible that without a change in State law, such an ordinance could be subject to challenge, and

WHEREAS, graffiti victims do have recourse against a minor offender and the minor's parents pursuant to Civil Code Section 1714.1, as that section gives a victim the right to file a civil action in court to recover damages of up to $10,000, and

WHEREAS, although victims do have recourse as stated above, the City Council prefers to adopt its suggested legislation as a preferable alternative because it provides for an administrative procedure that is outside the overburdened court system, a copy of the proposed legislation is attached hereto entitled "New Government Code §53069.4", and

WHEREAS, existing law permits cities to clean up graffiti with City funds, however, the City's proposed legislation would go further to allow the City to recover the
clean-up costs plus an administrative fine of up to $1,000 from the minor and the minor's parents in an administrative proceeding, and

WHEREAS, in most cases if an administrative proceeding is held, no court action would be required, as the administrative order would have the same effect as a money judgment and could be collected through a lien procedure on any real property owned by the parent or parents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby urges local legislators to support an amendment to state law allowing cities and other public agencies to adopt ordinances imposing financial responsibility on both the perpetrator and the parents of minor children who commit acts of graffiti vandalism, a copy of said proposed legislation is attached hereto entitled "New Government Code §53069.4".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Coqdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A. "Notwithstanding anything to the contrary contained in Government Code Section 53069.3, or Civil Code Section 1714.1, or Penal Code Sections 594(a)(1), 640.5(a), or 640.6, a city, county, or city and county, (hereinafter "local public entity") may provide by ordinance for payment of an administrative fine and for restitution by both the minor, and the parent or parents having custody and control of such minor, administratively found to have created or caused graffiti as that term is defined in Government Code Section 53069.3. Such fines may include or separately state all costs reasonably incurred by the local public entity in removing, cleaning up or covering over the minor's graffiti. The administrative proceeding may be held upon ten (10) days notice as provided in subdivision (c) to such minor and/or parent as the case may be, providing an opportunity to be heard before the legislative body of such entity or hearing officer appointed by it.

B. Any fine or restitution ordered pursuant to this section shall be irrespective of and cumulative to any criminal conviction for an act of graffiti, or any final adjudication by a juvenile court, or placement on a supervised program by a probation officer under the provisions of the Welfare and Institutions Code for such act. Provided further, that in no event may the combined sum of restitution and any fine ordered to be paid pursuant to an ordinance passed in accordance with this section exceed the amount of the actual costs as determined by the local public entity to remove, cover or repair the graffiti by more than $1,000.00.

Any administrative order made pursuant to an ordinance adopted pursuant to this section shall have the same force and effect for enforcement and collection purposes as an order or judgment of the Superior Court of the State of California. In addition, the ordinance may provide for the collection of such sum by the creation of a lien on any parcel of property owned by the minor or the parents or parent having custody and control of the minor as set forth in subdivision (c).

C. An ordinance creating the lien authorized by subdivision (b) shall require at least ten (10) days notice prior to the recordation of the lien to the owner of record of the parcel of land. The notice shall be served in the same manner as summons in a civil action in accordance with Article 3 (commencing with section 415.10) of Chapter 4 of Title V of Part 2 of the Code of Civil Procedure. If the owner of
record, after a diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Section 6062.

(1) A lien authorized by this section shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien. The lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the administrative order referred to in subdivision (b), the street address, legal description and assessor's parcel no. of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

(2) In the event that the lien is discharged, released, or satisfied, either through payment or through foreclosure, notice of the discharge containing the information specified in subdivision (c) shall be recorded by the governmental agency. The lien authorized by this section and the release of the lien shall be indexed in the grantor-grantee index.

(3) The lien authorized by this section may be collected in the manner provided by Sections 39581 and 39583 of the Government Code.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-150

A RESOLUTION APPROVING TERMINATION OF AN AGREEMENT WITH VITA DEEDS FOR THE LEASE OF FIRE STATION NO. 10 AT WHITMORE AND USTICK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Vita Deeds for the lease of Fire Station No. 10 at Whitmore and Ustick be, and it is hereby terminated.

BE IT FURTHER RESOLVED that the execution of said termination of the agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: [Signature]
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-151

A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR FEDERAL GRANT FUNDING FROM THE SMALL BUSINESS ADMINISTRATION, AND AUTHORIZING THE CITY MANAGER TO SIGN SAID APPLICATION.

WHEREAS, the Parks and Recreation Department has been notified of the opportunity to submit an application to the State of California Department of Forestry and Fire Protection for Federal Grant Funding under the Small Business Administration, and

WHEREAS, the grant would allow the City to purchase trees from small businesses and contract with other small businesses for planting of the trees as part of the City's street tree program, and

WHEREAS, project costs are $145,364, and at least thirty-seven percent (37%) of the total project costs ($56,514) must be paid by the applicant (the City), which includes a cash match of twenty percent (20%) of the grant amount paid to the Department of Forestry and Fire Protection to administer the grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the submittal of an application to the State of California Department of Forestry and Fire Protection for Federal grant funding in the amount of $88,850 from the Small Business Administration.
BE IT FURTHER RESOLVED that the Council hereby appoints the City Manager as the agent of the City of Modesto to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __th__ day of ____________, 1994, by Councilmember ______ Muratore____, who moved its adoption, which motion being duly seconded by Councilmember ______ Friedman____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ______ MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CHAMBER OF COMMERCE FOR AN AUTO EXPO TO BE HELD AT THE MODESTO CENTRE PLAZA DURING GRAFFITI USA 1994, JUNE 10 - 13

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Chamber of Commerce for an AutoExpo to be held at the Modesto Centre Plaza during Graffiti USA 1994, June 10 - 13, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-153

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PRINTING OF THE MONTHLY UTILITY BILL INSERT AND QUARTERLY EMPLOYEES' NEWSLETTER ON RECYCLED PAPER FOR UP TO THREE YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for printing the monthly utility bill insert and quarterly employees' newsletter, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 15, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION ACCEPTING THE BID OF HERCULES ENTERPRISES FOR THE "H" STREET SEWER REPLACEMENT FROM 9TH STREET TO 19TH STREET

WHEREAS, Resolution No. 94-75, adopted by the Council of the City of Modesto on February 1, 1994, approved the plans and specifications for the "H" Street sewer replacement from 9th Street to 19th Street and authorized the calling for bids; and

WHEREAS, the bids received for the "H" Street sewer replacement from 9th Street to 19th Street were opened at 11:00 a.m. on March 3, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Hercules Enterprises in the amount of $297,110 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hercules Enterprises in the amount of $297,110 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-155

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $45,000 TO FUND THE "H" STREET SEWER REPLACEMENT FROM 9TH STREET TO 19TH STREET

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Annual Sewer Rehabilitation
       (621 480 D349 6040)
       $45,000

TO: H Street sewer replacement
    (621 480 D316 6050 and 6060)
    $45,000

The low bid for the project exceeded the original budget estimate. One contributing factor was that all work must be done at night to minimize impacts to traffic and sewer service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Morrine Coyle, City Clerk
A RESOLUTION ACCEPTING THE BID OF DELTA EXCAVATING, INC. FOR LAKWOOD SEWER FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE

WHEREAS, Resolution No. 94-117, adopted by the Council of the City of Modesto on February 22, 1994, approved the plans and specifications for the Lakewood sewer from Briggsmore Avenue to Sylvan Avenue and authorized the calling for bids; and

WHEREAS, the bids received for Lakewood sewer from Briggsmore Avenue to Sylvan Avenue were opened at 11:00 a.m. on March 9, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Delta Excavating in the amount of $828,661 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Delta Excavating in the amount of $828,661 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ___________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-157

A RESOLUTION CHANGING THE STREET NAME OF
COULTERVILLE DRIVE TO COULTERVILLE COURT IN
THE CITY OF MODESTO.

WHEREAS, it is proposed by most of the
residents/homeowners on Coulterville Drive to change the name of
Coulterville Drive to Coulterville Court in an effort to reduce
traffic by persons who may otherwise think it is a through
street, and

WHEREAS, it is appropriate that a cul-de-sac such as this street carry the suffix "Court", and

WHEREAS, said matter was considered by the City Council at its meeting held at 7:30 p.m. on March 15, 1994, in the Council Chambers located at 801 11th Street in the City of Modesto, and

WHEREAS, although fifteen of the sixteen residents/homeowners on the street signed the petition to rename the street, staff received correspondence from 2 persons who would prefer the street name not be changed, and

WHEREAS, Section 3409.1 of the Government Code of the State of California provides that when the existing name of any city street should be changed, the legislative body is authorized to adopt a resolution to change the name of existing streets, and

WHEREAS, the City has adopted Street Name Change Policy No. 3.017 to give affected property owners adequate time to adjust to the street name change by notifying banks, friends,
etc., and said policy provides that street name changes shall not take effect until at least 180 days from City Council action,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the proposal to change the street name of Coulterville Drive to Coulterville Court.

BE IT FURTHER RESOLVED that in accordance with Government Code Section 34092 the City Clerk is directed to transmit a certified copy of this resolution to the Stanislaus County Board of Supervisors.

BE IT FURTHER RESOLVED that the street name change shall become effective September 24, 1994.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RONALD L. LAFORCE, et.al. FOR THE ACQUISITION OF A 0.357+ ACRE PERMANENT EASEMENT AND A 0.251+ ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ronald L. LaForce, et.al., for the acquisition of a 0.357+ acre permanent easement and a 0.251+ acre temporary easement for the Sonoma Sewer Trunk Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: None

ABSENT: Patterson

ATTEST: ______________________________________________________

MERRINE COYLE, City Clerk
A RESOLUTION FINDING THAT THE ACQUISITION OF A PERMANENT EASEMENT AND A TEMPORARY EASEMENT FROM RONALD L. LA FORCE, ET AL., FOR THE SONOMA SEWER TRUNK PROJECT IN THE VILLAGE ONE AREA IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds that the acquisition of a 0.357± acre permanent easement and a 0.25l± acre temporary easement from Ronald L. La Force, et al., for the Sonoma Sewer Trunk Project is consistent with the Village One Specific Plan and the program EIR for the following reasons:

1. With the proposed project, no new effects will occur and no new mitigation measures will be required, beyond what is contained in the Program Environmental Impact Report for the Village One Specific Plan (Section 15168(c)(2) of the State CEQA Guidelines).

2. The proposed project is within the scope of the Village One Specific Plan (Section 15168(c)2) of the State CEQA Guidelines).

3. No substantial changes are desired and no new information has become available, regarding the proposed project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAELEN D. MILICH, City Attorney
MODOGO CITY COUNCIL
RESOLUTION NO. 94-160

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EVANS-EXECUTONE TO PROVIDE MAINTENANCE AND SERVICE COVERAGE FOR THE CITY'S TELEPHONE SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Evans-Executone to provide maintenance and service coverage for the City's telephone system be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March 1994, by Councilmember Friedman, who moved its adoption, which motion being duly recorded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang
None

DOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-161

A RESOLUTION GRANTING PERMISSION TO HANG AN "EARTH DAY IN THE PARK 1994" BANNER FROM THE MODESTO ARCH AT 9TH AND I STREETS.

WHEREAS, a request from Kim Franklin, 1994 Earth Day in the Park Chairperson, to hang an "Earth Day in the Park 1994" banner from the Modesto Arch has been received,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request to hang an "Earth Day in the Park 1994" banner from the Modesto Arch at 9th and I Streets is hereby approved in order to promote the event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-162

A RESOLUTION ADOPTING THE CITY OF MODESTO
AMERICANS WITH DISABILITIES ACT 1994
COMPLEMENTARY PARATRANSIT PLAN UPDATE.

WHEREAS, pursuant to the requirements of the Federal
Transit Administration, staff prepared the City of Modesto
Americans with Disabilities Act Complementary Paratransit Plan,
and

WHEREAS, a public hearing was held on March 22, 1994,
to accept public comments on the draft plan,

NOW, THEREFORE, BE IT RESOLVED that the City Council of
the City of Modesto does hereby adopt the plan entitled "The City
of Modesto Americans with Disabilities Act 1994 Complementary
Paratransit Plan Update", a copy of which is on file in the
office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-163

A RESOLUTION DESIGNATING THE RALPH M. BROWN
HOUSE AT 309 MAGNOLIA AVENUE AS A MODESTO
LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto
Municipal Code establishes Landmark Preservation Site status as a
way to recognize, preserve, enhance and perpetuate significant
landmarks in the community, and

WHEREAS, a public hearing was held on November 15,
1993, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, in which the Landmark Preservation
Commission found and recommended in their Resolution No. 27, that
the Ralph M. Brown House at 309 Magnolia Avenue is eligible for
designation as a Landmark Preservation Site for the following
reasons:

1. The location and setting is compatible with future
   preservation and use.

2. The physical condition is such that preservation,
   maintenance, or adaptive use is economically
   feasible.

3. The distinguishing characteristics of significance
   are for the most part original and intact or
   capable of restoration.

4. The existing or proposed use is compatible with
   the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on March 22, 1994,
in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Council found and determined that the
Ralph M. Brown House at 309 Magnolia Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 309 Magnolia Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Ralph M. Brown House at 309 Magnolia Avenue has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The house, built in 1923, is the California bungalow style of architecture, is the home of Ralph M. Brown, Speaker of the California Assembly, who is well known for his contribution to good government in the form of the anti-secrecy laws known as the Brown Act.

2. It is economically viable.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: __________

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

Lot 15 and 16 of Block 536 of City of Modesto as per map filed 12/21/42 in Volume 15 of Maps, Page 536, Stanislaus County Records.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-164

A RESOLUTION DESIGNATING THE GALLO FOUNDERS
BUILDING AT 401 11TH STREET AS A MODESTO
LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto
Municipal Code establishes Landmark Preservation Site status as a
way to recognize, preserve, enhance and perpetuate significant
landmarks in the community, and

WHEREAS, a public hearing was held on November 15, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 26, that the Gallo Founders Building at 401 11th Street is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on March 22, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the
Gallo Founders Building at 401 11th Street is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 401 11th Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Gallo Founders Building at 401 11th Street has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The building, built in 1928, is the original site of the E & J Gallo Winery, a partnership between Ernest and his brother, Julio Gallo.

2. It is economically viable.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY E. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

03/18/94--CA
EXHIBIT "A"

Lot 14, 15 and 16 of Block 73 of City of Modesto as per map filed 12/21/42 in Volume 15 of Maps, Page 73, Stanislaus County Records.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-165

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS TO REMOVE AND REPLACE FUEL TANKS AT THE WASTEWATER TREATMENT FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for removal and replacement of
fuel tanks at the Wastewater Treatment Facility
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
April 21, 1994 at 11:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 22nd day of March
1994, by Councilmember Dobbs, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-166

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE 12TH AND "B" STREETS WATERLINE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the 12th and "B" Streets waterline project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 6, 1994 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF SANCON ENGINEERING, INC. FOR THE
DISSOLVED AIR FLOTATION THICKENERS - RECOAT EQUIPMENT AND TANK PROJECT

WHEREAS, Resolution No. 94-76, adopted by the Council of the City of Modesto on February 1, 1994, approved the plans and specifications for the dissolved air flotation thickeners - recoat equipment and tank project and authorized the calling for bids; and

WHEREAS, the bids received for the dissolved air flotation thickeners - recoat equipment and tank project were opened at 11:05 a.m. on March 3, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Sancon Engineering, Inc. in the amount of $188,300 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Sancon Engineering, Inc. in the amount of $188,300 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-168

A RESOLUTION APPROVING STANDARD AND SPECIFIC INSURANCE REQUIREMENTS FOR VARIOUS PERMITTEES AND/OR LICENSEES AS PROVIDED FOR IN THE MODESTO MUNICIPAL CODE.

WHEREAS, various permittees/licensees are required to provide insurance coverage in accordance with the provisions of the Modesto Municipal Code, and

WHEREAS, it is necessary to adopt by resolution adopted from time-to-time by the City Council standard and specific insurance requirements as provided for in the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the standard and specific insurance requirements that various permittees and/or licensees are required to provide for insurance coverage in accordance with the provisions of the Modesto Municipal Code are hereby approved as set forth on Exhibit "A", entitled STANDARD AND SPECIFIC INSURANCE REQUIREMENTS, dated March, 1994, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that any current evidence of insurance coverage already approved by the Risk Manager shall remain on file with the City as being acceptable to the City until the expiration date of each such current evidence of insurance coverage; however, upon renewal of any such permit or insurance certificate, the new requirements for insurance
coverage as set forth in this resolution shall be effective and required upon the effective date of this resolution.

Upon the effective date of this resolution, any new permittee/licensee shall be required to submit evidence of insurance coverage as required by this resolution.

BE IT FURTHER RESOLVED that this resolution shall not become effective until the effective date of Ordinance Nos. 2893-C.S., 2894-C.S., 2895-C.S., 2896-C.S., 2897-C.S. and 2898-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By: ____________________
MICHAEL D. MILICH, City Attorney

SEAL

03/09/94

OPW1FC1/CA/rh
EXHIBIT "A"

STANDARD AND SPECIFIC INSURANCE REQUIREMENTS
March 1994

INDEX

I. STANDARD INSURANCE REQUIREMENTS .......................... 1

II. SPECIFIC INSURANCE REQUIREMENTS: ......................... 1 - 7

<table>
<thead>
<tr>
<th>A. Ambulance Operators:</th>
<th>1 &amp; 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>(MMC §§ 3-8.06 &amp; 3-9.09)</td>
<td></td>
</tr>
<tr>
<td>1. Workers' Compensation</td>
<td></td>
</tr>
<tr>
<td>2. General Liability</td>
<td></td>
</tr>
<tr>
<td>3. Automobile Liability</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Towing Service Operators:</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>(MMC § 3-10.23(c))</td>
<td></td>
</tr>
<tr>
<td>1. Workers' Compensation</td>
<td></td>
</tr>
<tr>
<td>2. General Liability</td>
<td></td>
</tr>
<tr>
<td>3. Automobile Liability</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Sidewalk Food Vendors:</th>
<th>2 &amp; 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>(MMC § 4-1.1206)</td>
<td></td>
</tr>
<tr>
<td>1. Workers' Compensation</td>
<td></td>
</tr>
<tr>
<td>2. General Liability</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D. Building Movers:</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>(MMC § 4-3.07)</td>
<td></td>
</tr>
<tr>
<td>1. Workers' Compensation</td>
<td></td>
</tr>
<tr>
<td>2. General Liability</td>
<td></td>
</tr>
<tr>
<td>3. Automobile Liability</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E. Taxicab Operators:</th>
<th>3 &amp; 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>(MMC § 4-6.901)</td>
<td></td>
</tr>
<tr>
<td>1. Workers' Compensation</td>
<td></td>
</tr>
<tr>
<td>2. General Liability</td>
<td></td>
</tr>
<tr>
<td>3. Automobile Liability</td>
<td></td>
</tr>
</tbody>
</table>
F. Trampoline Operators: (MMC § 4-7.1609)
   1. Workers' Compensation
   2. General Liability

G. Refuse Disposal Operators: (MMC § 5-5.28)
   1. Workers' Compensation
   2. General Liability
   3. Automobile Liability

H. Motor Bus Operators: (MMC § 6-7.207)
   1. Workers' Compensation
   2. General Liability
   3. Automobile Liability

I. Public Works Permit: (MMC §§ 7-1.109 & 7-2.29)
   1. Workers' Compensation
   2. General Liability

J. Commercial Aircraft: (MMC § 7-3.108)
   1. Workers' Compensation
   2. General Liability

K. Permanently Based Private Aircraft: (MMC § 7-3.108.1)
   1. General Liability
L. Motor Vehicles and Motorized Equipment
On Air Operations Areas of
Airport Premises:
(MMC § 7-3.108.2)
1. Automobile Liability

M. Fixed Base Operators:
(MMC § 7-3.108.3)
1. Workers' Compensation
2. General Liability

N. Cable Television Franchise:
(MMC § 11-4.33)
1. Workers' Compensation
2. General Liability
3. Automobile Liability
I. STANDARD INSURANCE REQUIREMENTS:

The permittee/licensee shall provide at its own expense and maintain at all times the specified insurance policies with insurance companies licensed in the State of California and shall provide evidence of such insurance to the CITY as may be required by the Risk Manager of the CITY. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the City Clerk of the CITY by registered mail, return receipt requested.

If at any time any of said policies shall be unsatisfactory to the CITY, as to form or substance or if a company issuing such policy shall be unsatisfactory to the CITY, the permittee/licensee shall promptly obtain a new policy, submit the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the permittee/licensee to furnish, deliver or maintain such insurance and certificates as above provided, the permit/license, at the election of the CITY, may be forthwith declared suspended, or terminated. Failure of the permittee/licensee to obtain and/or maintain any required insurance shall not relieve the permittee/licensee from any liability under the permit/license, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the permittee/licensee concerning indemnification. The CITY, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required, except workers' compensation. The workers' compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, employees, and volunteers for losses arising from work performed by permittee/licensee. The permittee/licensee's insurance policy(ies) shall include a provision that the coverage is primary as respects the CITY; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager.
II. SPECIFIC INSURANCE REQUIREMENTS:

A. Ambulance Operators:  
(MMC §§ 3-8.06 & 3-9.09)

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.

2. General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; products and completed operations; and medical malpractice liability.

3. Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

B. Towing Service Operators:  
(MMC § 3-10.23(c))

1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.

2. General Liability insurance with a minimum limit of liability per occurrence of $50,000 for bodily injury and $500,000 for property damage or $500,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy
aggregate limit applying to: premises and operations; broad form contractual; products and completed operations; garage keepers liability and towing and wrecker liability.

3. **Automobile Liability insurance** with a minimum limit of liability per occurrence of $50,000 for bodily injury and $500,000 for property damage or $500,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

C. **Sidewalk Food Vendors:**
(MMC § 4-1.1206)

1. **Workers' Compensation** - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.

2. **General Liability insurance** with a minimum limit of liability per occurrence of $500,000 for bodily injury and $50,000 for property damage or $500,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

D. **Building Movers:**
(MMC § 4-3.07)

1. **Workers' Compensation** - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.

2. **General Liability insurance** with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $1,000,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on
the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

3. **Automobile Liability** insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

E. **Taxicab Operators:**
(MMC § 4-6.901)

1. **Workers' Compensation** - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $50,000.

2. **General Liability** insurance with a minimum limit of liability per occurrence of $500,000 for bodily injury and $500,000 for property damage or $500,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

3. **Automobile Liability** insurance with a minimum limit of liability per occurrence of $500,000 for bodily injury and $50,000 for property damage or $500,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

F. **Trampoline Operators:**
(MMC § 4-7.1609)

1. **Workers' Compensation** - in compliance with the statutes of the State of
California, plus employer's liability with a minimum limit of liability of $500,000.

2. General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

G. Refuse Disposal Operators: (MMC § 5-5.28)
   1. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.
   2. General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.
   3. Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

H. Motor Bus Operators: (MMC § 6-7.207)
   1. Workers' Compensation - in compliance
with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.

2. **General Liability insurance** with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

3. **Automobile Liability insurance** with a minimum limit of liability per occurrence of $15,000,000 for bodily injury and $100,000 for property damage or $15,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

I. **Public Works Permit:**
(MMC §§ 7-1.109 & 7-2.29)

1. **Workers' Compensation** - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.

2. **General Liability insurance** with a minimum limit of liability per occurrence of $500,000 for bodily injury and $50,000 for property damage or $500,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.
J. **Commercial Aircraft:**  
(MMC § 7-3.108)

1. **Workers' Compensation** - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.

2. **General Liability** insurance with a minimum limit of liability per occurrence of $15,000,000 for bodily injury and $1,000,000 for property damage or $15,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

K. **Permanently Based Private Aircraft:**  
(MMC § 7-3.108.1)

1. **General Liability** insurance with a minimum limit of liability per occurrence of $300,000 for bodily injury and $100,000 for property damage or $300,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

L. **Motor Vehicles and Motorized Equipment on Air Operations Areas of Airport Premises:**  
(MMC § 7-3.108.2)

1. **Automobile Liability** insurance with a minimum limit of liability per occurrence of $300,000 for bodily injury and $100,000 for property damage or $300,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.
M. Fixed Base Operators:
(MMC § 7-3.108.3)

1. **Workers' Compensation** - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.

2. **General Liability** insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; products and completed operations; and hanger keepers liability.

N. Cable Television Franchise:
(MMC § 11-4.33)

1. **Workers' Compensation** - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.

2. **General Liability** insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; and products and completed operations.

3. **Automobile Liability** insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Manager of Budget & Financial Analysis
Customer Services Supervisor
Customer Services Specialist

The specifications for the classification of Manager of Budget & Financial Analysis (Range 442), as shown on the attached Exhibit "A", and Customer Services Supervisor (Range 420), as shown on the attached Exhibit "B", and Customer Services...
Specialist (Range 428), as shown on the attached Exhibit "C", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 22, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MANAGER OF BUDGET AND FINANCIAL ANALYSIS

DEFINITION

Plans, organizes, and directs the activities and operations of the Budget and Financial Analysis Division of the Finance Department.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

 Exercises direct supervision over professional, technical, and clerical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, coordinate and administer the operations of the Budget and Financial Analysis Division.

Conduct special financial analyses requiring research, analysis, and interpretation in areas such as: long-range financial planning for the City's infrastructure, capital improvement program, and operating budget; land-use financial impact; utility rates; revenue estimation and monitoring; redevelopment financing and analysis; and bond financing and analysis.

Develop and administer long-range financial planning strategies and forecasts.

Integrate such special financial analyses with the City budget; assist the City Manager and Finance Director in assessing budget implications of various long-range projects, plans, and scenarios; oversee staff involved in the process, with particular emphasis on balancing staff resources devoted to budget preparation and monitoring versus long-range financial planning.

Negotiate with outside parties and agencies on behalf of the City.

Research special issues, problems, and procedures; prepare various reports for City Council regarding special projects.

Recommend goals and objectives; assist in the development and implementation of division and department policies and procedures.

Exhibit "A"
Duties, Continued:

Oversee and participate in the development of the division workplan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.

Participate in recommending the appointment of personnel; provide or coordinate staff training; coach employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and techniques of economic, financial, and statistical analysis.

Principles and practices of effective team leadership and employee supervision including selection, training, work evaluation, and discipline.

Advanced financial modeling and software, particularly relating to budgeting and financial analysis.

General relationships between local, state, and federal governments, public interest groups, and private enterprise as they affect the City.

Technical report writing procedures.

Principles and practices of public administration and organization.

Principles and procedures of municipal budget preparation and administration.

Ability to:

Conduct complex economic and financial analyses; to interpret data and draw sound conclusions.

Forecast economic conditions and the impact thereof on the City budget and operations.
Abilities, Continued:

Create and facilitate a team-oriented approach to problem solving.

Successfully negotiate contracts and agreements.

Interact with a variety of individuals including state and local elected officials, representatives of business and the legal community, and local government managers.

Coach, supervise, train, and evaluate subordinate staff in a team setting.

Exercise sound judgment within general policy guidelines.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Make effective recommendations on administrative, management, budgetary, and fiscal practices, procedures, and problems.

Prepare and administer a budget.

Experience and Training Guidelines:

Any combination of education and/or experience which has provided the knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience in professional finance, budgeting, or economics including at least two years of supervisory responsibility.
Education:

Equivalent to a Bachelor's degree from an accredited college or university. A Master's degree with major course work in economics, business, finance, or a related field is highly desirable.

License:

Possession of, or ability to obtain, an appropriate and valid California driver's license.
CUSTOMER SERVICES SUPERVISOR

DEFINITION:

To plan, coordinate and administer assigned sections of the Customer Services Division to include Utilities, Collections, Cashiering, and Business License.

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from upper management staff.

Exercises direct supervision over technical and clerical staff.

EXAMPLES OF DUTIES: - Duties may include, but are not limited to the following:

Recommend goals and objectives; assist in the development and implementation of policies and procedures.

Prepare and coordinate completed staff work in the areas of utilities, collections, cashiering, and business license operations.

Direct, oversee, and participate in the development of the Division's work plan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.

Respond to requests for information and advise City Departments, governmental agencies, and the public of City utility, collections, cashiering, and business license policies.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with management staff to correct deficiencies; implement discipline procedures; recommend employee terminations.

Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in intergovernmental meetings for the purpose of developing cooperative methods and practices.

Confer with members of the public to respond to complaints and requests for information. Refer difficult cases to the Customer Services Specialist.

Exhibit "B"
DUTIES, CONTINUED:

Assist in the development and implementation of utility, collections, and licensing systems and reporting procedures.

Conduct fiscal analyses and studies.

Review, develop, and modify collections and utility control methods to improve existing procedures; ensure conformity to policy and increase effectiveness.

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Customer relations practices and techniques.

Principles and practices of organization and public administration.

Principles and practices of effective employee supervision, including selection, training, work evaluation, and discipline.

Laws regulating public utilities, collections, cashiering, or business license activities. Pertinent Federal, State, and local laws, codes, and regulations.

Budget procedures and techniques.

Mainframe and personal computer applications.

Methods and techniques of effective technical report preparation and presentation.

Ability to:

Analyze problems, identify options, project consequences of proposed actions, and recommend changes in policies and procedures.

Interpret and apply complex rules, regulations, and policies.

Prepare and analyze technical and administrative reports,
Abilities, Continued:

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

Experience and Training Guidelines: - Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible financial experience in a public or utility agency with emphasis in professional utility, collections, cashiering, or business license work; including two years of supervisory or lead responsibility.

Training:

Equivalent to completion of the twelfth grade supplemented by college level business administration, accounting, or marketing courses. An Associate of Arts Degree in one of these areas is desirable.

License:

Possession of, or ability to obtain, an appropriate and valid California driver's license.
CUSTOMER SERVICES SPECIALIST

DEFINITION:
To act as liaison between the City and the utility customer. Research and provide responsible and timely responses to customer inquiries. Provide complex administrative support to the Customer Services Manager.

SUPERVISION RECEIVED:
May exercise technical and functional supervision over clerical staff.

Receives general direction from the Customer Services Manager

EXAMPLES OF DUTIES: - Duties may include, but are not limited to the following:

Provide technical support and advice to clerical and technical staff.

Assist phone or walk-in customers with major utility account problems.

Research account problems; if origin of problem is related to City operations, take necessary steps to prevent future occurrences.

Respond to requests from organizations or special interest groups regarding Utility, Collections, Cashiering, and Business License policies or procedures.

Develop and maintain a Customer Services Information Booklet for the utility customer.

Respond to requests for information and advise City departments, governmental agencies, and the public of City utility and collections policies.

Attend quarterly "open house" hosted by the City Council and answer questions presented by the public regarding departmental Customer Services operations. Coordinate this event through the City's Public Information Office.

Develop or revise forms related to utility billing or business license activities.

Exhibit "C"
Duties, Continued:

Participate in intergovernmental meetings for the purpose of developing cooperative methods and practices.

Research, prepare, and present special projects as assigned by the Customer Services Manager.

Assist in the development and implementation of utility, collections, and licensing systems and reporting procedures.

Conduct fiscal analyses and studies.

Review, develop, and modify collections and utility control methods to improve existing procedures; ensure conformity to policy and increase effectiveness.

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Principles and practices of effective communications and team approaches to problem solving.

Customer and community relations practices and techniques.

Effective marketing tools and practices, particularly in a public sector setting.

Principles and practices of organization and public administration.

Laws regulating public utilities, collections, cashiering or business license activities. Pertinent Federal, State and local laws, codes, and regulations.

Advanced financial modeling and software, particularly relating to utility billing, accounting, and other financial systems.

Principles and techniques of financial and statistical analysis.

Methods and techniques of effective technical report preparation and presentation.
Ability to:

Exercise sound judgment within general policy guidelines.

Handle difficult customer situations with tact and diplomacy, resulting in effective resolutions.

Analyze problems, identify options, project consequences of proposed actions, and recommend changes in policies and procedures.

Interpret and apply complex rules, regulations, and policies.

Prepare and analyze technical and administrative reports, statements, and correspondence.

Prepare and analyze complex spreadsheets.

Create and facilitate a team-oriented approach to problem solving.

Make effective, tactful presentations to both individuals and public groups.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines: - Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience in a public or utility agency in customer services work.
Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration, marketing, or a related field.

License:

Possession of, or ability to obtain, an appropriate and valid California driver's license.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-170

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 TO AMEND THE CLASS RANGE TABLE TO ADD MANAGER OF BUDGET AND FINANCIAL ANALYSIS, CUSTOMER SERVICES SUPERVISOR, AND CUSTOMER SERVICES SPECIALIST.

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been previously amended by Resolution Nos. 92-62, 92-592, 92-632, 93-39, 93-127, 93-620, and 93-688, and

WHEREAS, the City Council desires to further amend Exhibit "G" of Resolution No. 91-464,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.

Exhibit "G" entitled City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled, "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective March 22, 1994", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adopts class specifications for Manager of Budget And Financial Analysis at range 442, Customer Services Supervisor at range 420, and Customer Services Specialist at range 428.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 22, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective March 22, 1994

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
</tr>
<tr>
<td>404</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>406</td>
<td>Microfilm Services Supervisor</td>
</tr>
<tr>
<td>412</td>
<td>Senior Personnel Clerk</td>
</tr>
<tr>
<td>413</td>
<td>Administrative Technician (Confidential)</td>
</tr>
<tr>
<td>414</td>
<td>Secretary</td>
</tr>
<tr>
<td>417</td>
<td>Custodian Supervisor</td>
</tr>
<tr>
<td>419</td>
<td>Legal Secretary</td>
</tr>
<tr>
<td>420</td>
<td>Worker's Compensation Claims Examiner</td>
</tr>
<tr>
<td></td>
<td>Employee Benefits Coordinator</td>
</tr>
<tr>
<td></td>
<td>Legal Services Technician</td>
</tr>
<tr>
<td></td>
<td>Office Services Supervisor</td>
</tr>
<tr>
<td></td>
<td>Deputy City Clerk</td>
</tr>
<tr>
<td></td>
<td>Executive Secretary</td>
</tr>
<tr>
<td></td>
<td>Customer Services Supervisor</td>
</tr>
</tbody>
</table>

Exhibit "G"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>421</td>
<td></td>
</tr>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Systems Analyst</td>
</tr>
</tbody>
</table>
| 424   | Assistant Planner  
Asst. City Clerk/Auditor |
| 425   | Police Records Supervisor  
Administrative Analyst I  
Executive Assistant  
Legal Services Supervisor |
| 426   | Warehouse Supervisor  
Museum Supervisor |
| 427   | Events Supervisor |
| 428   | Parks Maintenance Supervisor I  
Airport Maintenance Supervisor  
Trees Maintenance Supervisor I  
Equipment Maintenance Supervisor I  
Social Services Coordinator  
Buyer  
Assistant Budget Analyst  
Public Works Supervisor I  
Building Maintenance Supervisor  
Customer Services Specialist |
| 429   |       |
| 430   | Associate Planner  
Parks Construction Supervisor I  
Junior Civil Engineer  
Junior Traffic Engineer  
Neighborhood Preservation Supervisor |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 431   | Administrative Analyst II  
               Affirmative Action Officer  
               Personnel Analyst  
               Training Coordinator  
               Assistant Risk Manager  
               Recycling Program Coordinator  
               Budget Analyst |
| 432   | Plant Mechanic Supervisor  
               Recreation Supervisor II  
               Historical Buildings Supervisor  
               Senior Accountant  
               Youth Program Supervisor  
               Industrial Waste Supervisor |
| 433   | Assistant Civil Engineer  
               Laboratory Supervisor  
               Assistant Traffic Engineer |
| 434   | Senior Programmer Analyst  
               Electrical Supervisor  
               Assistant Equipment Maint. Supt.  
               Engineering Systems Manager  
               Sr. Housing Rehab. Specialist  
               Public Works Supervisor II  
               Secondary Treatment Site Supv.  
               Parks Maintenance Supervisor II  
               Operations Supervisor  
               Landscape Designer  
               Arborist  
               Trees Maintenance Supv. II  
               Land Surveyor  
               Equipment Maintenance Supervisor II |
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective March 22, 1994

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Management Analyst  
|       | Deputy City Attorney I  
|       | Senior Personnel Analyst  
|       | Public Information Officer  
|       | Budget Officer  
|       | Financial Analyst  
|       | Administrative Services Officer  
|       | Integrated Waste Specialist  
|       | Project Manager |
| 436   | Senior Planner  
|       | Parks Construction Supervisor II |
| 437   | Property Agent |
| 438   | Equipment Maintenance Supt.  
|       | Asst. Water Quality Control Supt.  
|       | Transportation Planner  
|       | Housing Program Supervisor |
| 439   | Deputy City Attorney II  
|       | Associate Civil Engineer  
|       | Associate Traffic Engineer |
| 440   | Principal Accountant  
|       | Purchasing Officer |
| 441   | Community Development Program Manager  
|       | Sr. Deputy City Attorney I  
|       | Airport Manager  
|       | Solid Waste Program Manager  
|       | Transit Manager  
|       | Streets Maintenance Supt.  
|       | Parks Superintendent  
|       | Risk Manager  
|       | Assistant Personnel Director  
|       | Recreation Superintendent  
|       | Golf Superintendent  
|       | Fleet Manager  
|       | Wastewater Collections Superintendent  
|       | Water Superintendent  
<p>|       | Building Maintenance Superintendent |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 442   | Supv. Building Inspector  
       | Finance Data Processing Manager  
       | Supv. Construction Inspector  
       | Manager of Budget and Financial Analysis |
| 443   | Deputy Chief Bldg. Official |
| 444   | Water Quality Control Supt.  
       | Principal Planner |
| 445   | Finance Division Manager |
| 446   | Senior Civil Engineer  
       | Traffic Engineer |
| 447   | Chief Building Official  
       | Assistant to City Manager  
       | Asst. Parks & Recreation Dir. - Civic Center  
       | Asst. Parks & Recreation Dir. - Parks  
       | Asst. Parks & Recreation Dir. - Recreation |
| 448   | Sr. Deputy City Attorney II |
| 449   | |
| 450   | Deputy Director Public Works - Engineering  
       | Deputy Director Public Works - Operations  
       | Deputy Director Public Works - Transportation |
| 452   | Assistant City Attorney |
MODESTO CITY COUNCIL
RESOLUTION NO. 94-171

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
BI TRAN SYSTEMS, INC. FOR PROVIDING THE HARDWARE AND SOFTWARE FOR THE ADVANCED
TRAFFIC MANAGEMENT SYSTEM PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and BI Tran Systems, Inc.
for providing the hardware and software for the Advanced Traffic Management
System Project

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 22nd day of March
1994, by Councilmember Dobbs, who moved its adoption, which motion
being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

DOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE FUNDS TO FUND A NEW CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, The City has a project entitled "Automated Traffic Management System (ATMS) - System Vendor". This project will provide the required system hardware and software for the ATMS project.

WHEREAS, the total estimated cost of this project is $206,204.

WHEREAS, a federal CMAG grant in the amount of $182,697 has been awarded for this project. The additional needed funding of $23,507 will be provided by the original ATMS project 141-160-P854 by an appropriation transfer.

WHEREAS, it is necessary to estimate and appropriate the Federal revenue for this new CIP project.

Streets Capital Facility Fee Fund

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
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<tr>
<td>141-160-D853-6040</td>
<td>ATMS-System Vendor-Construction</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>141-430-0000-3504</td>
<td>Federal Share of Street Projects</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-173

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $23,507 TO FUND THE SYSTEM HARDWARE AND SOFTWARE FOR THE ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: T/S Central Control System Project
       (141 160 1601 P854)

TO: ATMS System Vendor
    (141 160 1601 D853)

$23,507

$23,507

Staff has negotiated a contract with BI Tran Systems, Inc. to provide hardware and software for the Advanced Traffic Management System Project. The entire project cost is $206,204, of which $182,697 is from Federal funds. The remaining $23,507 in matching funds is being transferred from the T/S Central Control System project account.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA POLICE ATHLETIC FEDERATION TO HOST THE 1995 POLICE SUMMER GAMES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the California Police Athletic Federation to host the 1995 Police Summer Games be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

DOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-175

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FY 1993-94 TO APPROPRIATE $10,000 FOR THE 1995 POLICE SUMMER GAMES.

WHEREAS, the Modesto Police Department has been notified that the California Police Athletic Federation has selected Modesto as the site for the 1995 Police Summer Games to be held June 24 through July 1, 1995, and

WHEREAS, a deposit of $10,000 must be made to the California Police Athletic Federation, and

WHEREAS, it is anticipated that the $10,000 will be returned to the City from the revenue from event sponsorships and registrations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the General Fund, Fund No. 010, of the City of Modesto for FY 1993-94:

<table>
<thead>
<tr>
<th>Appropriations</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>010-190-1901-0235</td>
<td>Professional Services</td>
<td>$10,000</td>
</tr>
<tr>
<td>010-800-8000-8003</td>
<td>General Fund Reserve</td>
<td>($10,000)</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-176

A RESOLUTION SUPPORTING ASSEMBLY BILL 2787
(AB 2787) TO PROVIDE AUTHORITY FOR A LOCAL
SALES TAX VOTE IN STANISLAUS COUNTY TO
SUPPORT COUNTYWIDE LIBRARY SERVICES.

WHEREAS, the Modesto City Council has consistently
supported a stable, independent funding source for library
services, and

WHEREAS, at the request of Stanislaus County,
Assemblymember Snyder has introduced AB 2787 to authorize a vote
on a 1/8-cent sales tax increase to support library services, and

WHEREAS, under the bill, two-thirds voter approval is
required for adoption, and the sales tax would then cease to
operate after five years, and

WHEREAS, under existing law, the County may place a
1/4-cent sales tax measure on the ballot, but special legislation
is needed to allow a vote on a lesser tax rate, and

WHEREAS, the 1/8-cent sales tax is estimated to raise
$4.5 million in the first year, and

WHEREAS, the current budget for countywide library
services is $2.7 million which is reflected in less than adequate
hours and services at the Central Branch, and

WHEREAS, in order to provide the necessary legal
authority for a vote on the 1/8-cent sales tax, AB 2787 or
similar legislation must be adopted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby supports the adoption of AB 2787 to provide authority for a local 1/8-cent sales tax vote in Stanislaus County to support countywide library services for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Patterson

ATTEST:  JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By  MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-177

A RESOLUTION SUPPORTING ASSEMBLY BILL 3062 (AB 3062) TO EXTEND THE DATE ON LEGISLATION ALLOWING STANISLAUS AND PLACER COUNTIES TO CONDUCT ELECTIONS BY MAIL TO JANUARY 1, 1996.

WHEREAS, in 1992 a bill was passed by the State Legislature to allow all agencies in Stanislaus and Placer Counties, which chose to do so, to conduct their regular elections by mail, with the legislation to cease to operate on January 1, 1995, and

WHEREAS, most of the agencies in Stanislaus County chose to conduct their regular elections by mail, including the City of Modesto, and

WHEREAS, the election held by mail cost the City of Modesto and the Modesto City School District about half the cost of conducting the election in the traditional manner, and

WHEREAS, both the City of Modesto and the Modesto City School District had over twice the voter turn-out by conducting the election by mail, and

WHEREAS, extending the date on the legislation by one year will allow the City of Modesto and the Modesto City Schools District the opportunity to conduct one more regular election by mail,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports AB 3062 to extend the date on the legislation to January 1, 1996, to allow Stanislaus
and Placer Counties to conduct elections by mail for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Coddill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPOINTING  BENNO HEUNE  TO THE COMMUNITY QUALITIES FORUM

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Community Qualities Forum for the respective term as indicated:

Benno Heune
1205 Willeen Court
Modesto, Ca. 95350
Term to expire 12/31/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-179

A RESOLUTION AUTHORIZING RIGHT OF WAY CERTIFICATION FOR THE "H" STREET AND "I" STREET RECONSTRUCTION PROJECT

WHEREAS, the City of Modesto has acquired the required right of way needed for the proposed "H" Street and "I" Street reconstruction project; and

WHEREAS, it is necessary for the City of Modesto to make a certification to the State of California that the right of way has been acquired for the proposed "H" Street and "I" Street reconstruction project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager and City Clerk are hereby authorized to sign a Right of Way Certificate setting forth the status of the right of way acquisition for the proposed "H" Street and "I" Street reconstruction project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-180

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO PARTICIPATE IN UPGRADING TRAFFIC SIGNALS AT McHENRY AVENUE (STATE ROUTE 108) AND ORANGEBURG AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative agreement between the City of Modesto and Caltrans to participate in upgrading traffic signals at McHenry Avenue (State Route 108) and Orangeburg Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION 94-181

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE FUNDS FROM RESERVE TO FUND A NEW CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, City staff has negotiated an equal-share cooperative agreement with Caltrans to provide protected/permisive left-turn movements from Orangeburg to McHenry.

WHEREAS, the project has been delayed by repeated obstacles, ranging from Caltran's original objections, to local business opposition to loss of on-street parking, to changes in design standards. It appears that all obstacles have been overcome and this project can now proceed.

WHEREAS, the total estimated cost of this project is $74,350, one-half City money and one-half Caltrans matching grant.

WHEREAS, it is necessary to appropriate the City's portion from the Gas Tax Contingency Reserve and create a new CIP project titled McHenry/Orangeburg Traffic Signal Modification.

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>070-160-D407-6010</td>
<td>McHenry/Orangeburg TS Mod.-Engineering</td>
</tr>
<tr>
<td>070-160-D407-6040</td>
<td>McHenry/Orangeburg TS Mod.-Construction</td>
</tr>
<tr>
<td>070-160-D407-6060</td>
<td>McHenry/Orangeburg TS Mod.-Construction Admin.</td>
</tr>
<tr>
<td>070-800-8000-6003</td>
<td>Gas Tax Contingency Reserve</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>070-510-9510-3138</td>
<td>State Share of Street Projects</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
RESOLUTION NO. 94-182

A RESOLUTION GRANTING APPROVAL TO THE FOURTH OF JULY CELEBRATION COMMITTEE OF THE MODESTO JAYCEES TO HOLD A PARADE, PICNIC IN THE PARK AND FIREWORKS DISPLAY FOR THE FOURTH OF JULY CELEBRATION IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS AND RESCINDING RESOLUTION NO. 91-162.

WHEREAS, the Fourth of July Celebration Committee of the Modesto Jaycees (hereinafter referred to as the Committee) has filed a request with the City Council for permission to have a parade, picnic in the park, and fireworks display which will be held to celebrate the Fourth of July, and

WHEREAS, the Committee has requested the use of Graceada Park for the Fourth of July Celebration, and

WHEREAS, the Council deems it appropriate to grant approval and assistance to the Committee relating to its Fourth of July celebration, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Committee's Fourth of July Celebration parade, picnic in the park and fireworks display:

1. The Committee is granted permission to use the bluff land adjacent to Dryden Park Golf Course (part of Tuolumne River Regional Park) for display of fireworks on the evening of the Fourth of July, subject to the following conditions:
(a) That the weather conditions will not create any fire hazard to the surrounding area;
(b) That the City be reimbursed for any damages which may occur to the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses, and John Thurman Field;
(c) That arrangements be cleared by the Parks and Recreation Director and the Police Chief;
(d) That the fireworks display be conducted according to the requirements of the Fire Chief of the City of Modesto.

2. The City will supply two (2) standby fire trucks for the fireworks display.

3. The City will provide twelve (12) chemical toilets for use in the Dryden Park Driving Range for the fireworks display on the Fourth of July.

4. "I" Street, between 11th and 12th Streets will be barricaded between 9:30 a.m. and 2:30 p.m. on the Fourth of July, for the parade.

5. The City's personnel will erect City's reviewing stand with canvas top on "I" Street close to the cannon in the Courthouse Park prior to 8:00 a.m. for use for the parade on the Fourth of July, and will remove said reviewing stand thereafter.
6. The Committee is granted permission to use a public address system at the reviewing stand for the parade. Said public address system to be furnished by the Committee.

7. The following parade route is approved as the parade route to be used on the Fourth of July, subject to approval of the Police Chief and Public Works and Transportation Director: starting at 10th and F Streets, north on 10th to J Street; east on J Street to 11th Street; south on 11th to I Street; east on I Street to 16th Street; then disband.

8. The City will supply three (3) street sweepers for the parade.

9. The City will pay the Committee a total of Ten Thousand and no/100ths Dollars ($10,000.00) to help defray some of the Committee’s expenses such as insurance, postage, etc. for the Fourth of July fireworks display and parade.

10. The City will provide policy assistance during the parade, picnic in the park, and fireworks display as deemed necessary by the Police Chief.

11. The City will provide barricades to be placed on the streets around the perimeter of Graceada Park to provide curb side parking for the Committee during park activities.

BE IT FURTHER RESOLVED by the Council of the City of Modesto as follows:
1. That the Committee's request to use Graceada Park relating to the Picnic in the Park Fourth of July Celebration is hereby approved subject to the following conditions:

   a. There shall be no amplified music in the Park.

   b. Alcoholic beverages shall not be sold.

   c. The number of booths in the park shall be limited to craftsman/purveyors of original art.

   d. The sale of food will be limited to one booth per kind of food.

   e. The Picnic in the Park Fourth of July Celebration shall not continue beyond the hour of 6:00 o'clock p.m. on said dates(s).

   f. If the Fourth of July falls on Friday, Saturday, Sunday or Monday, the Fourth of July Celebration Committee has the option to use Graceada Park for two (2) consecutive days.

2. That the City of Modesto will supply a minimum of ten (10) chemical toilets for use in the Graceada Park for the Picnic in the Park.

3. Dial-A-Ride Service will operate on its regular schedule for handicapped and senior citizens on the Fourth of July.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its parade, picnic in the park and fireworks display:

1. That the City of Modesto shall indemnify and hold harmless the Committee from any and all liability, costs,
damages, or injuries to persons or damage to property, which may arise out of or in any way be connected with the ordinary and customary condition of City property and facilities, or which may arise out of the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. That the Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee's sponsored Fourth of July parade, use of the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and John Thurman Field, and the streets and areas adjacent thereto for the Committee's fireworks display and the use of the City facilities for the Committee's parade and picnic in the park.

3. That the Committee shall furnish to the City Clerk of City current and valid certificate(s) of insurance evidencing coverages of general and automobile liability insurance as shall protect the Committee and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the Committee's use of Graceada Park and the areas adjacent thereto for the Committee's use of City facilities for the Picnic in the Park and the Committee's use of the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and John Thurman Field, and the areas adjacent thereto
for the Committee's fireworks display and the use of City facilities for the Committee's parade.

The amounts of Public Liability insurance shall be as follows:

Combined Single Limits of not less than One Million and no/100ths Dollars ($1,000,000.00) per occurrence for bodily injury, sickness and disease, including death resulting therefrom, and Two Hundred Thousand and no/100ths Dollars ($200,000.00) for claims for property damage, subject to the approval of the Risk Manager.

The City, its elected or appointed officers, officials, employees and volunteers shall be included as additional insureds with regard to damages and defense of any and all claims arising from the named insureds' use of City property for the Fourth of July parade, fireworks display, bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and the areas adjacent thereto as well as John Thurman Field and the picnic in the park.

The Committee shall provide to the City Clerk copies of valid certificate(s) of insurance and an original endorsement naming the City as an additional insured. The certificates shall contain contractual liability certification provisions stating that the policies are extended to cover the liability assumed by the Committee under the terms of this resolution. The certificate(s) of insurance must be on file with the City Clerk.
and shall not permit cancellation of said insurance unless ten (10) days' written notice is furnished to the City Clerk of the City of Modesto, 30 days prior the event.

BE IT FURTHER RESOLVED that future Fourth of July celebrations consisting of parades, picnics in the park and/or fireworks display are approved so long as each such event and activity complies with all ordinances, rules, regulations, orders, conditions or the like as the same now exists or as hereafter may be promulgated and all authorizations or approvals are first obtained from the City Manager, Police Chief, the Fire Chief, the Parks and Recreation Director or such other City officers as may be appropriate.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Modesto Committee with a copy of this resolution. The Committee shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 91-162 adopted March 19, 1991, is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___5th____ day of ____April____, 1994, by Councilmember ______Friedman______, who moved its adoption, which motion being duly seconded by Councilmember ______Dobbs______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, City Attorney
ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 94-182 pertaining to the Fourth of July Celebration.

Dated: April 5, 1994

FOURTH OF JULY CELEBRATION COMMITTEE OF THE MODESTO JAYCEES

By: ____________________________ (Name & Title)
    Amber L. Haas, Chairman

By: ____________________________ (Name & Title)
    ____________________________
HODESTO CITY COUNCIL
RESOLUTION NO. 94-183

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
PRO SPORTS MARKETING FOR A YOUTH SUMMER FOOTBALL CAMP TO BE HELD JUNE 27,
28 AND 29, 1994, AT MODESTO JUNIOR COLLEGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Pro Sports Marketing
for a youth summer football camp to be held June 27, 28 and 29, 1994, at
Modesto Junior College

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 5th day of April ,
1994, by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Dobbs , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

DOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEND: ____________________________

NORMINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 94-184

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THRIFTY REALTY COMPANY FOR LEASE OF OFFICE PROPERTY AT 409 PARADISE ROAD, BUILDING C, FOR A POLICE DEPARTMENT SUBSTATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Thrifty Realty Company for lease of office property at 409 Paradise Road, Building C, for a Police Department substation be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-135

A RESOLUTION APPROVING THE CITY OF MODESTO'S PARTICIPATION IN THE FEDERAL GOVERNMENT'S ENTERPRISE COMMUNITY PROGRAM AND AUTHORIZING THE CITY OF MODESTO TO FILE A NOTICE OF INTENT TO PARTICIPATE.

WHEREAS, the Enterprise Community Program is an important element of the Federal government's strategy to revitalize America's poverty-stricken communities, and

WHEREAS, the Enterprise Community Program is designed to empower people and communities to work together to create jobs and opportunities, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto's participation in the Federal Government's Enterprise Community Program.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute and file a Notice of Intent to Participate in the application for the Federal Government Enterprise Community Program with the Federal Department of Housing and Urban Development.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-186

A RESOLUTION APPOINTING STERLING FOUNTAIN TO THE AFFIRMATIVE ACTION COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Affirmative Action Commission for the respective term as indicated:

Sterling Fountain
1605 Bellevue Court
Modesto, Ca. 95350
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Affirmative Action Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

Boards and Commissions
MODESTO CITY COUNCIL
RESOLUTION NO. 94-187

A RESOLUTION OF INTENTION TO DRAFT A
GROUNDWATER MANAGEMENT PLAN IN ACCORDANCE
WITH AB 3030, THE GROUNDWATER MANAGEMENT ACT.

WHEREAS, in 1992, AB 3030, the Groundwater Management
Act, was signed into law and became effective on January 1, 1993,
and

WHEREAS, pursuant to the Groundwater Management Act, a
local agency is required to publish a notice of a public hearing
to be held on whether or not to adopt a resolution of intention
to draft a groundwater management plan, and

WHEREAS, a duly noticed public hearing was held by the
Council at its meeting of April 12, 1994, at 4:00 p.m., in the
City Council Chambers, located at 801 11th Street, Modesto,
California, at which hearing evidence both oral and documentary
was received and considered relating to said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:

1. The Council hereby declares its intention to draft
a groundwater management plan.

2. The City Clerk is hereby directed to publish a
copy of this resolution.

3. Within two years after adoption of this resolution
of intention, the City is required to prepare a groundwater
management plan. Should the plan not be prepared within the two-
year time frame, this resolution of intention will expire and the
process must be re-initiated.

4. After the groundwater management plan has been prepared, the City must hold a second public hearing to determine whether or not to adopt the plan. The plan must be available to the general public for review.

5. If during the public hearing written protests are received from more than 50% of the assessed value of the land within the local agency subject to groundwater management, then the groundwater management plan should not be adopted. If protests are received as noted in this paragraph, then the City cannot restart the process for one year after the second public hearing.

6. If a majority protest has not been filed, the City may, within 35 days after the conclusion of the second hearing, adopt, by ordinance, a groundwater management plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-188

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING RELATING TO THE FORMATION AND OPERATION OF THE STANISLAUS AND TUOLUMNE RIVERS' GROUNDWATER BASIN ASSOCIATION.

WHEREAS, for the past twelve months, City staff has been meeting with representatives from the County of Stanislaus, Del Este Water Company, Oakdale Irrigation District, the City of Oakdale, City of Riverbank, City of Waterford, and the Modesto Irrigation District, and

WHEREAS, the purpose of these meetings has been to draft a Memorandum of Understanding (MOU) establishing an association that would draft a groundwater management plan, and

WHEREAS, the final number of participating agencies will be determined by the number of resolutions of intention passed by the various governing boards and the number of participants who sign the Memorandum of Understanding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding (MOU) between the County of Stanislaus, Del Este Water Company, Oakdale Irrigation District, the City of Oakdale, City of Riverbank, City of Waterford, City of Modesto, and the Modesto Irrigation District, relating to the formation and operation of the Stanislaus and Tuolumne Rivers' Groundwater Basin Association.
BE IT FURTHER RESOLVED that the City Manager or his authorized designee are hereby authorized to execute said Memorandum of Understanding on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE BID OF ALLEN A. WAGGONER CONSTRUCTION, INC.
FOR THE 12TH TO B STREETS WATERLINE PROJECT

WHEREAS, Resolution No. 94-166, adopted by the Council of the City of Modesto on March 22, 1994, approved the plans and specifications for the 12th to B Streets waterline project and authorized the calling for bids; and

WHEREAS, the bids received for the 12th to B Streets waterline project were opened at 11:00 a.m. on April 6, 1994, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Allen A. Waggoner Construction, Inc. in the amount of $131,419.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Allen A. Waggoner Construction, Inc. in the amount of $131,419.50 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $10,000 TO FUND THE 12TH TO B STREET WATERLINE PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Tank 5 Construction
(612 480 C118 6040) $10,000

TO: 12th Street waterline
(612 480 D359 6040) $10,000

The transfer is needed to fully fund this project. The higher bid price can most likely be attributed to the tight schedule required for the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BRIGGSMORE WIDENING - STATE ROUTE 99 TO TULLY ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Briggsmore widening - State Route 99 to Tully Road

has been completed by Ross'F. Carroll, Inc.

in accordance with the contract agreement dated June 8, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Briggsmore widening - State Route 99 to Tully Road

be accepted from said contractor,

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $2,277,142.60 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS, INC. FOR FURNISHING ONE EVIDENCE COLLECTION VAN FOR THE POLICE DEPARTMENT

WHEREAS, Resolution No. 94-96, adopted by the Council of the City of Modesto on February 15, 1994, approved the plans and specifications for furnishing four police vehicles and authorized the calling for bids; and

WHEREAS, the bids received for furnishing four police vehicles were opened at 11:00 a.m. on March 14, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Country Ford Trucks, Inc. in the amount of $20,261.67 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of

be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF HERITAGE FORD FOR FURNISHING TWO COMMUNITY SERVICE TRUCKS AND ONE ANIMAL CONTROL TRUCK FOR THE POLICE DEPARTMENT

WHEREAS, Resolution No. 94-96, adopted by the Council of the City of Modesto on February 15, 1994, approved the plans and specifications for furnishing four police vehicles and authorized the calling for bids; and

WHEREAS, the bids received for furnishing four police vehicles were opened at 11:00 a.m. on March 14, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Heritage Ford in the amount of $45,050.84 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Heritage Ford in the amount of $45,050.84 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: /s/ Morrine Coyle
             Morrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-194

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 220,000 POUNDS OF GRANULAR ACTIVATED CARBON FROM NORTHWESTERN CARBON

WHEREAS, the activated carbon water systems the City currently owns have reached the point where the absorption capacity has been reached on eleven vessels; and

WHEREAS, there are only two known firms that offer the services required by the City, both of which were solicited for proposals.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of granular activated carbon is hereby waived.

BE IT FURTHER RESOLVED that purchase of granular activated carbon from Northwestern Carbon for the total price of $207,400.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION SUPPORTING SENATE BILL 2002 (SB 2002) ALLOWING LOCAL AGENCIES TO CONDUCT ELECTIONS BY MAIL.

WHEREAS, existing law authorizes, until January 1, 1995, any election in Placer County or Stanislaus County to be conducted as an all-mail ballot election, under certain conditions, and

WHEREAS, SB 2002 would allow cities, counties and districts to conduct their regular and/or special elections by mail, and

WHEREAS, most of the agencies in Stanislaus County, including the City of Modesto, conducted their November 1993 elections by mail, and

WHEREAS, the election cost the City of Modesto and the Modesto City School District about half of what it would cost if held in the traditional manner, and both agencies had over twice the voter turn-out by holding the election by mail, and

WHEREAS, approval of SB 2002 will allow the City of Modesto, Modesto City Schools District, and other agencies the opportunity to continue holding elections by mail,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports SB 2002 to allow local agencies to conduct elections by mail for the reasons set forth above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-196

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN IRRIGATION RIGHTS WAIVER TO THE CHRYSLER 99 NO. 2 PARK SITE, WHICH IS REQUIRED BY THE MODESTO IRRIGATION DISTRICT.

WHEREAS, the City of Modesto is the owner of the Chrysler 99 No. 2 Park Site, and

WHEREAS, the County Housing Authority is constructing a project to the east of this park site, and the removal of pipeline serving this 5.58 acres is required, and

WHEREAS, in such instances, the Modesto Irrigation District requires a formal waiver of irrigation rights, and

WHEREAS, City staff has recommended that the Council authorize the City Manager to sign off on the irrigation facilities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an irrigation rights waiver to the Chrysler 99 No. 2 Park Site, which is required by the Modesto Irrigation District.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-197

A RESOLUTION ORDERING THE MORSE-POUST
REORGANIZATION TO THE CITY OF MODESTO.
(UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation
Commission (LAFCO) by Resolution No. 94-02 dated February 23,
1994, approved the proposed Morse-Poust Reorganization to the
City of Modesto upon the condition that it be processed as a
reorganization pursuant to the provisions of the Government Code
of the State of California, and designated said Reorganization
the Morse-Poust Reorganization, and

WHEREAS, said LAFCO resolution also found that the
subject territory is within the primary area of the Modesto
Sphere of Influence, and

WHEREAS, said LAFCO resolution also found that the
proposed Morse-Poust Reorganization is consistent with all
applicable local general plans, and

WHEREAS, said LAFCO resolution also found that the
subject territory involved in the proposed Morse-Poust
Reorganization is uninhabited territory, and

WHEREAS, said LAFCO resolution also found that all
property owners within the subject territory have signed the
petition for the Morse-Poust Reorganization; and
WHEREAS, said LAFCO resolution also found that the Morse-Poust Reorganization of the subject territory into the City will promote the planned, orderly and efficient development of the area, and

WHEREAS, said Reorganization is comprised of an area of approximately 34.64 acres, located at the north of Blue Gum Avenue between Morse Avenue and Poust Road and south of the middle line of the MID Lateral No. 3, and

WHEREAS, LAFCO by said Resolution No. 94-02 designated the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization pursuant to Section 56852 of the Government Code of the State of California, and

WHEREAS, on February 23, 1994, LAFCO certified that it considered the environmental documentation prepared by the City and finds that the City of Modesto shall be responsible for the City monitoring and reporting to insure California Environmental Quality Act (CEQA) compliance, and

WHEREAS, LAFCO by said resolution approved the proposal subject to the following conditions:

1. That it be processed as a reorganization consisting of the annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Woodland Avenue Fire Protection District.

2. That the approved lot line adjustment be completed prior to the recording of the Certificate of Completion by the Executive Officer.
3. That the boundary include only the territory to the centerline of the MID Lateral No. 3 and the adjacent McDonald Avenue right-of-way, as shown on the attached map.

WHEREAS, the reasons for this annexation are as follows:

1. The proposed annexation is consistent with the goals and objectives of the City of Modesto General Plan, as amended, and annexation policies.

2. The proposed annexation will allow the City of Modesto to provide full urban services to the Morse-Poust Reorganization.

3. The reorganization of this territory into the City will minimize the number of governmental agencies providing services to this territory.

and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization pursuant to Section 56852 of the Government Code of the State of California and authorized the Council of the City of Modesto to proceed without notice, hearing, or election pursuant to Section 56837 of the Government Code of the State of California, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985, and as revised in 1989, have been complied with.

2. That the area or territory shall be designated as the Morse-Poust Reorganization and is described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto pursuant to Government Code §57080.

4. Said territory is hereby detached from the Woodland Avenue Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.
BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that the mitigated negative declaration as to the environmental impact of this Reorganization has previously been reviewed and considered.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Planning and Community Development
All that certain real property situated in a portion of the Northwest quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 24; thence South 89°25'20" West, 1326.99 feet along the East-West quarter section line of said Section 24 and the current Modesto City Limits Line, to the West quarter corner of said Section 24; thence North 0°07'05" West, 919.45 feet along the West line of said Section 24, to the center line of Modesto Irrigation District Lateral No. 3; thence North 71°18'49" East, 1304.15 feet along said center line of M.I.D. Lateral No. 3 to the intersection with the center line of McDonald Avenue; thence North 0°37'39" West, 20.00 feet, to the Northerly right-of-way line of McDonald Avenue; thence North 89°22'21" East 90.29 feet, to the East quarter - quarter section line of the Northwest quarter of said Section 24, and the current Modesto City Limits Line; thence South 0°08'33" East, 1344.89 feet along said East quarter - quarter section line to the point of beginning.

Containing 34.64 Acres
MORSE — POUST REORGANIZATION TO THE CITY OF MODESTO

SECTION 24, T.35S., R.8E., M.D.I.M.
MCDONALD AVENUE

LATERAL

M.I.D.

34.64 ACRES.

MODesto CITY LIMIT.

BLUE GUM AVENUE
BLUE GUM-POUST APPENDIX
(9-1-30)

MODesto CITY LIMITS

COURSES:

1. S.89°25'20" W. 1526.99' 4. N.0°37'39" W. 20.00'
2. N.0°07'05" W. 919.45' 5. N.89°22'21" E. 90.29'
3. N.11°18'49" E. 1304.15' 6. S.0°08'33" E. 1344.89'

... Approved as to description
ON 3-1-37
BY T.21, 17.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-198

A RESOLUTION REQUESTING THAT THE COUNTY BOARD OF SUPERVISORS DISSOLVE THE SHERWOOD FOREST ROCKWELL MAINTENANCE DISTRICT AND TRANSFER THE FUNDS TO THE CITY OF MODESTO.

WHEREAS, on January 6, 1994, the Stanislaus County Public Works Division informed the City of Modesto that the County has a residual of approximately $54,680 in the Sherwood Forest Rockwell Maintenance District, and

WHEREAS, the District provided maintenance of the rockwells in the Sherwood Forest neighborhood before its annexation to the City of Modesto, and

WHEREAS, Streets and Highways Code Section 5851 sets forth that when annexation of a County maintenance district area by a City occurs, at the request of the City the County may dissolve the district and transfer the duties and residual funds to the City, and

WHEREAS, since the City now provides these services to the neighborhood, it would be appropriate that the residual funds be transferred to the City of Modesto for the continued rockwell maintenance for this neighborhood,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Stanislaus County Board of Supervisors is hereby requested to dissolve the Sherwood Forest rockwell maintenance district and to transfer the residual funds in the approximate amount of $54,680 to the City of Modesto. Said funds
to be transferred to the City of Modesto's Stormdrain Enterprise Fund, (628).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __________ day of _______ April______, 1994, by Councilmember __________ Friedman, who moved its adoption, which motion being duly seconded by Councilmember __________ Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY, GIVING THE CITY AUTHORITY TO CONSTRUCT A WATERLINE WITHIN COUNTY RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, giving the City authority to construct a waterline within County right of way on Paradise and Hatch Roads be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AMENDED AGREEMENT WITH CALTRANS TO EXTEND THE COMPLETION DATE FROM MARCH 1, 1994, TO MARCH 1, 1996, FOR INSTALLING WHEELCHAIR RAMPS AND TRAFFIC SIGNAL MODIFICATIONS AT 9TH AND D STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Caltrans to extend the completion date from March 1, 1994, to March 1, 1996, for installing wheelchair ramps and traffic signal modifications at 9th and D Streets be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-201

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S APPLICATION FOR
FEDERAL FUNDS IN THE AMOUNT OF $567,900 TO COMPLETE THE AIRPORT'S FY 1994/95
CAPITAL IMPROVEMENTS

WHEREAS, on January 25, 1994, the Council of the City of Modesto
approved the submittal of a preapplication for federal funds to complete
Airport Improvement Program projects for FY 1994/95 consisting of resurfacing
and extension of Airport Way and the slurry sealing of the general aviation
aircraft parking apron; and

WHEREAS, the Federal Aviation Administration has tentatively approved
funding in the amount of $567,900.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto
that the grant application on behalf of the City of Modesto with the Federal
Aviation Administration for funding in the amount of $567,900 for the above-
mentioned projects be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant application by
the designated City officials be authorized

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 12th day of April, 1994, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-202

A RESOLUTION CERTIFYING REVIEW OF
ENVIRONMENTAL ASSESSMENT, APPROVING THE
PROPOSED NEGATIVE DECLARATION, AND DIRECTING
THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF
THE ENVIRONMENTAL IMPACT RELATING TO AN
INFECTIOUS (MEDICAL) WASTE CONTROL TRANSFER
STATION PROJECT LOCATED AT 1025 LONE PALM
AVENUE.

WHEREAS, on February 23, 1994, the City's Environmental
Assessment Committee (EAC) conducted an initial study to
determine if an Infectious (Medical) Waste Control Transfer
Station project located at 1025 Lone Palm Avenue might have a
significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative
declaration for said project be prepared, and

WHEREAS, any comments received by the City during the
public review period on the draft negative declaration were
forwarded to the City Council for consideration with the
recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental
impacts with the project, and

WHEREAS, City staff thereafter recommended that the
Modesto City Council approve the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:

SECTION 1. The City Council has reviewed and
considered the negative declaration proposed by the EAC
including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(SEAL)

ATTEST: NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

04/12/94
MODESTO CITY COUNCIL
RESOLUTION NO. 94-203

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR APRIL 26, 1994,
REGARDING RECOGNITION OF MODESTO POLICE MANAGEMENT ASSOCIATION AS AN INDEPENDENT
BARGAINING GROUP

BE IT HEREBY RESOLVED by the Council of the City of Modesto

that April 26, 1994, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of the Modesto Police Management Association being recognized as an independent bargaining group.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF TERRY SWEHLA FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE APRIL 14, 1994

WHEREAS, Terry Swehla was appointed a member of the Community Qualities Forum on September 22, 1992; and

WHEREAS, Terry Swehla has tendered his resignation from the Community Qualities Forum, effective April 14, 1994; and

WHEREAS, Terry Swehla has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Terry Swehla from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Terry Swehla for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Mcclanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

NORRINE COYLE, City Clerk
RESOLUTION NO. 94-204A

A RESOLUTION APPOINTING MAYOR LANG TO THE MID DRINKING WATER PROJECT POLICY COMMITTEE

WHEREAS, Section 18.6.1 of the Treatment and Delivery Agreement between the City of Modesto, Del Este Water Company, and the Modesto Irrigation District establishes a Policy Committee to oversee major decisions of the Drinking Water Project; and

WHEREAS, the City's representation consists of two City Council members. Staff recommends that Mayor Lang serve on the Committee until Councilmember Patterson returns.

NOW THEREFORE, BE IT RESOLVED the City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the MID Drinking Water Project Policy Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________

NORRINE COYLE, City Clerk
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE ISSUANCE OF AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $8,905,000 COMPRISED OF MULTIFAMILY MORTGAGE REVENUE REFUNDING BONDS, SERIES 1994A (GNMA COLLATERALIZED-STONEBRIDGE APARTMENTS PROJECT) AND TAXABLE MULTIFAMILY MORTGAGE REVENUE REFUNDING BONDS, SERIES 1994B (GNMA COLLATERALIZED-STONEBRIDGE APARTMENTS PROJECT) FOR THE PURPOSE OF REFINANCING THE STONEBRIDGE APARTMENTS PROJECT AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Modesto (the "City") is a charter city and municipal corporation organized and existing under the Constitution and laws of the State of California; and

WHEREAS, pursuant to the provisions of Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California, as amended (the "Law"), the City is authorized (i) to engage in certain activities related to the provision of decent, safe and adequate housing for persons residing in the City, including the financing of multifamily housing and (ii) to issue bonds for the purpose of making loans to finance such residential construction; and

WHEREAS, pursuant to the Law the City has implemented a residential construction financing program and in furtherance of such program, on March 12, 1984, issued its Mortgage Revenue Bonds, Series 1984 (FHA Insured Mortgage Loan - Stonebridge Apartments Project) in the aggregate principal amount of $8,905,000 (the "Original Bonds"), under and pursuant to that certain Indenture, dated as of March 1, 1984 (the "Original Indenture"), by and between the City and Bank of America National Trust and Savings Association (as successor by merger to Security Pacific National Bank), as trustee thereunder (the "Original Bonds Trustee"), for the purpose of financing the construction of a 286-unit multifamily housing development known as the Stonebridge Apartments located in the City of Modesto, California (the "Project"), occupied partially (at least 20%) by individuals of low and moderate income within the meaning of Sections 103(b)(4)(A) and 103(b)(12)(C) of the Internal Revenue Code of 1954, as amended (the "1954 Code"); and
WHEREAS, in order to finance the Project, the Original Bonds Trustee made a loan (the "Mortgage Loan") to Stonebridge Associates, a California limited partnership (the "Owner"), secured by a non-recourse deed of trust note in respect of the Project and insured by the Secretary of Housing and Urban Development ("HUD") acting by and through the Federal Housing Administrator, Federal Housing Administration ("FHA") pursuant to Section 221(d)(4) of the National Housing Act of 1934, as amended (the "National Housing Act"); and

WHEREAS, the Occupancy Restrictions, as described in the Financing and Regulatory Agreement, dated as of March 1, 1984, by and between the City and the Owner commenced on March 1, 1985, the first day on which 10 percent of the units in the Project were occupied; and

WHEREAS, the Original Bonds are subject to optional redemption in whole on each June 1 and December 1, on or after June 1, 1994; and

WHEREAS, the Owner desires to restructure the financing for the Project through the refinancing of the Mortgage Loan with a new loan (the "New Loan") made to the Owner by TRI Capital Corporation (the "Lender") and insured by FHA under Section 221(d)(4) pursuant to Section 223(a)(7) of the National Housing Act, the issuance of a Government National Mortgage Association ("GNMA") mortgage-backed security (the "GNMA Security") for the benefit of the Trustee and the refunding of the Original Bonds; and

WHEREAS, pursuant to a Financing Agreement, dated as of April 1, 1994 (the "Financing Agreement") by and among the City, the Owner, the Lender and Bank of America National Trust and Savings Association, the Lender will fund the New Loan and deposit the proceeds thereof with the Original Bonds Trustee who shall be directed by the City to transfer such moneys to the Trustee (as defined below) to provide for the acquisition of the GNMA Security; and

WHEREAS, the City has determined to assist in the refinancing of the Project through the issuance, pursuant to Section 53570 et seq. of the Government Code of the State of California (the "Act") and pursuant to a Trust Indenture, dated as of May 1, 1994 (the "Trust Indenture"), by and between the City and Bank of America National Trust and Savings Association (the "Trustee"), of an aggregate principal amount of not to exceed $8,905,000 comprised of its Multifamily Mortgage Revenue Refunding Bonds, Series 1994A (GNMA Collateralized - Stonebridge Apartments Project) (the "Series 1994A Bonds"), and its Taxable Multifamily Mortgage Revenue Refunding Bonds, Series 1994B (GNMA Collateralized -- Stonebridge Apartments Project) (the "Series 1994B Bonds" and, together with the Series 1994A Bonds, the "Bonds"); and

WHEREAS, in connection with the issuance and delivery of the Bonds, the Trustee shall be directed by the City to transfer the proceeds of the Bonds to the Original Bonds Trustee to be applied by the Original Bonds Trustee, together with other moneys available for such purpose, to the redemption of the original Bonds on June 1, 1994; and

WHEREAS, pursuant to an Amended and Restated Tax and Regulatory Agreement, dated as of May 1, 1994 (the "Tax Regulatory Agreement") by and among the Owner, the City and the
Trustee, the Owner covenants that it will comply with all requirements of Section 103(b)(4)(A) and 103(b)(12)(C) of the 1954 Code and the Internal Revenue Code of 1986, as amended (the "1986 Code"), and the regulations and ruling promulgated thereunder, and with all other requirements of the Act and any and all rules and regulations of the City; and

WHEREAS, the New Loan will be insured by the FHA under Section 221(d)(4) pursuant to Section 223(a)(7) of the National Housing Act, and will be evidenced by a Deed of Trust Note of the Owner (the "Mortgage Note") in favor of the Lender and secured by a Deed of Trust in respect of the Project (the "Mortgage"); and

WHEREAS, following execution and delivery of the Mortgage Note and Mortgage, GNMA will authorize the Lender to issue the GNMA Security and deliver it to the Trustee under and pursuant to the terms of the Lender Commitment Letter (as defined in the Indenture); and

WHEREAS, the Bonds are proposed to be issued and sold to First Interstate Bank (the "Underwriter") pursuant to the terms of a Bond Purchase Agreement, to be dated on or about April 27, 1994 among the City, the Owner and the Underwriter (the "Bond Purchase Agreement"); and

WHEREAS, the City has caused to be prepared and lodged with the City Clerk, the following instruments:

(1) the form of Trust Indenture;
(2) the form of Financing Agreement;
(3) the form of Tax Regulatory Agreement;
(4) the form of Preliminary Official Statement to be dated on or about May 11, 1994 to be used in connection with the offer and sale of the Bonds; and
(5) the form of Bond Purchase Agreement;

WHEREAS, pursuant to the requirements of Section 147(f) of the 1986 Code, the City is required to obtain the approval of the City Council of the City of Modesto or the Mayor of the City of Modesto prior to issuing the Series 1994A Bonds, which approval is to be preceded by a duly noticed public hearing; and

WHEREAS, the City has given notice of the required public hearing pursuant to the 1986 Code, and the issuance of the Bonds is contingent upon the approval by the City Council of the City of Modesto or the Mayor of the City of Modesto; and

WHEREAS, the City is now duly authorized and empowered, pursuant to each and every requirement of law, to issue the Bonds for the purpose and in the manner herein provided;
WHEREAS, the City now wishes to provide for the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto as follows:

Section 1. Findings. The City Council hereby specifically finds and declares that the actions authorized hereby constitute, and are in furtherance of, the municipal affairs of the City and that the statements, findings and determinations of the City Council set forth in the preambles of the documents approved herein are true and correct.

Section 2. Authorization of Issuance of Bonds; Special Obligations of City. In order to provide funds to refund the Original Bonds and to provide funds to pay the costs of issuance associated therewith, the City Council hereby authorizes and approves the issuance of an aggregate principal amount of not to exceed $8,905,000 of its Multifamily Mortgage Revenue Refunding Bonds, Series 1994A (GNMA Collateralized--Stonebridge Apartments Project), and its Taxable Multifamily Mortgage Revenue Refunding Bonds, Series 1994B (GNMA Collateralized -- Stonebridge Apartments Project), maturing and bearing interest at the rates provided and subject to all of the terms provided in the Trust Indenture hereinafter approved; provided, however, that the interest rate on the Series 1994A Bonds shall not exceed 8.50% and the interest rate on the Series 1994B Bonds shall not exceed 11.00%.

The Bonds shall be special obligations of the City and shall be payable as to principal, premium and interest, and the obligations of the City under the Trust Indenture shall be paid and satisfied, solely from the revenues, receipts and other moneys pledged therefor under the Trust Indenture. The Bonds shall not constitute a debt of the City, the State of California or any political subdivisions thereof (except the City as aforesaid), and neither the City, the State nor any of its political subdivisions (except the City as aforesaid) is liable thereon, nor in any event shall the Bonds or interest thereon be payable out of any funds or properties other than funds as set forth in the Trust Indenture. The Bonds shall not be a debt of the United States of America, HUD, GNMA or any other governmental agency, and are not guaranteed by the full faith and credit of the United States of America, HUD, GNMA or any other governmental agency.

Section 3. Approval of Trust Indenture. The City Council hereby approves the form of a Trust Indenture, to be dated as of May 1, 1994, by and between the City and the Trustee, substantially in the form lodged with the City Clerk and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute the Trust Indenture, but with such changes therein, deletions therefrom and modifications thereto as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. Approval of Tax Regulatory Agreement. The City Council hereby approves the form of Tax Regulatory Agreement, to be dated as of May 1, 1994, by and among the City, the Owner and the Trustee substantially in the form lodged with the City Clerk and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Tax Regulatory Agreement, but with such changes therein, deletions
therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 5. Approval of Financing Agreement. The City Council hereby approves the form of Financing Agreement, to be dated as of April 1, 1994, by and among the City, the Owner, the Lender and the Trustee (the "Financing Agreement") substantially in the form lodged with the City Clerk and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Financing Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 6. Approval of Preliminary Official Statement and Official Statement. The City Council hereby approves the form of the Preliminary Official Statement substantially in the form lodged with the City Clerk. The City Manager or the Finance Director (as the case may be) of the City is authorized (i) to make such changes in the Preliminary Official Statement, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve in connection with the preparation of the Preliminary Official Statement and the preparation of a final Official Statement to be dated on or about the date of sale of the Bonds (the "Official Statement"), and (ii) to execute and deliver the Official Statement on or following the date of sale of the Bonds, the execution of the Official Statement by any of said persons to be conclusive evidence of the approval thereof. The City Manager or the Finance Director (as the case may be) is hereby authorized and directed to execute a certificate deeming the Preliminary Official Statement final for purposes of Rule 15c2-12 of the Securities Exchange Commission. The City Manager or the Finance Director (as the case may be) shall cause copies of the Official Statement to be delivered to the Underwriter no later than seven business days following the sale of the Bonds to the Underwriter. The City Council hereby consents to and approves the distribution and circulation of the Preliminary Official Statement and the Official Statement by the Underwriter in connection with the offering, marketing and sale of the Bonds.

Section 7. Approval of Bond Purchase Agreement; Award of Bonds. The City Council hereby approves the form of Bond Purchase Agreement by and among the City, the Owner and First Interstate Bank (the "Underwriter") substantially in the form lodged with the City Clerk and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Bond Purchase Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof. The City Manager or the Finance Director is hereby authorized to award the Bonds on the terms as provided in the Bond Purchase Agreement and in this Resolution.

Section 8. Further Action Authorized. The City Manager, the Mayor, the City Clerk, the City Attorney, the Finance Director and the other officers of the City are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or
advisable in order to consummate the offer of sale of the Bonds and otherwise to carry out, give
effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken
by such officers are hereby ratified, confirmed and approved. It is hereby covenanted that all
conditions, acts and things required by the Act or this Resolution to exist, to have happened; and
to have been performed precedent to or in the issuance of the Bonds shall exist, have happened
and have been performed.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 19th day of April 1994, by Councilmember Cogdill who moved its
adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore
NOES: Councilmembers: None
AYES: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST:

By: ____________________________
Norrine Coyle,
City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________
Michael D. Milich
City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-206

A RESOLUTION TRANSFERRING THE CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A
LIMITED AMBULANCE SERVICE IN THE CITY OF
MODESTO, PREVIOUSLY ISSUED TO 911 EMERGENCY
SERVICES, INC., dba MOBILE LIFE SUPPORT, TO
AMERICAN MEDICAL RESPONSE, INC.

WHEREAS, 911 Emergency Services, Inc., dba Mobile Life
Support, has operated an ambulance company within the City of
Modesto for several years, and

WHEREAS, 911 Emergency Services, Inc., has entered into
a merger/acquisition agreement with American Medical Response,
Inc., and

WHEREAS, 911 Emergency Services has applied for a
transfer of the license to the new corporation, American Medical
Response, Inc., and

WHEREAS, Chapter 8 of Title III of the Modesto
Municipal Code regulates the licensing of ambulances in the City
of Modesto, and Section 3-8.07 of the Modesto Municipal Code
states that no license for the operation of an ambulance may be
sold, assigned, mortgaged, or otherwise transferred without the
consent of the Council, and

WHEREAS, Section 3-8.05.1 of the Modesto Municipal Code
requires that in determining whether the public convenience and
necessity require the operation of an ambulance service for which
application is made, in this instance a transfer of the ambulance
certificate, the Council shall hold a public hearing as may be
necessary to determine that fact, and

WHEREAS, as required by Section 3-8.05.2 of the Modesto Municipal Code, the City Manager has caused the Police Chief of the City of Modesto to make an investigation and report, in writing, to the City Council on said request to transfer the ambulance certificate, and

WHEREAS, the City Council held a duly noticed public hearing at 7:30 p.m., in the City Council Chambers in City Hall, located at 801 11th Street, Modesto California, to consider the transfer of the ambulance certificate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

1. That the public convenience and necessity requires the operation of the limited ambulance service which will be furnished by American Medical Response, Inc., and that such service will promote the convenience, safety and welfare of the general public.

2. That the vehicles described in the application and proposed to be used are adequate and safe for the purpose of carrying or transporting wounded, injured or sick persons.

3. That the name American Medical Response, Inc., and the color scheme, insignia, monogram or other distinguishing characteristics proposed to be used upon such ambulances are not in conflict with and do not imitate any color scheme, insignia, monogram or other distinguishing characteristics used by any
other company, in such a manner as to mislead or tend to mislead, deceive, or defraud the public.

4. That such ambulance service in the City is required by the public convenience and necessity and that American Medical Response, Inc., is a company fit, willing, and able to perform ambulance service and able to conform to the provisions of Chapter 8 of Title III of the Modesto Municipal Code, and such rules and regulations as may be promulgated by the Council.

BE IT FURTHER RESOLVED that the permit previously issued to 911 Emergency Services, Inc., doing business as Mobile Life Support is hereby transferred to American Medical Response, Inc., to operate a limited ambulance service in the City of Modesto. Said ambulance service shall operate under the name of American Medical Response, Inc., and a total number of eight (8) ambulances may be operated under said certificate.

BE IF FURTHER RESOLVED that after American Medical Response, Inc., has complied with all of the requirements of Chapter 8 of Title III of the Modesto Municipal Code, the City Clerk of the City of Modesto is hereby authorized to issue a Certificate of Public Convenience and Necessity to American Medical Response, Inc., for the purpose of operating eight (8) ambulances as set forth herein.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, and Mayor pro tem Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: ____________________________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________________________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-207

A RESOLUTION ESTABLISHING FEES FOR ADULT-RELATED ESTABLISHMENT PERMITS.

WHEREAS, on March 22, 1994, the City Council introduced Ordinance No. 2899-C.S., which added Chapter 9 entitled "Adult-Related Establishments" to Title V of the Modesto Municipal Code, and

WHEREAS, Chapter 9 of Title V of the Modesto Municipal Code provides that certain fees related to "Adult-Related Establishments" shall be established by Resolution adopted by the City Council from time to time,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby establishes fees for "Adult-Related Establishment Permits" as provided for in Chapter 9 of Title V of the Modesto Municipal Code as follows:

SECTION 1. An Application Fee to maintain, operate, or conduct an adult-related establishment, as provided for in Section 5-9.201(a) of the Modesto Municipal Code, is hereby established in the amount of $165.00. Said fee is nonrefundable.

SECTION 2. An Application Fee to be employed by an adult-related establishment, as provided for in Section 5-9.201(b) of the Modesto Municipal Code, is hereby established in the amount of $35.00. Said fee is nonrefundable.

SECTION 3. An Application Fee for the renewal of a permit for an adult-related establishment, as provided for in
Section 5-9.206 of the Modesto Municipal Code, is hereby established in the amount of $25.00. Said fee is nonrefundable.

SECTION 4. An Application Fee for the transfer or change of location of a permit to be employed as an escort, figure model, or other employee in an adult-related establishment, as provided for in Section 5-9.207 of the Modesto Municipal Code, is hereby established in the amount of $5.00. Said fee is nonrefundable.

SECTION 5. An Application Fee for an escort or figure model permit, as provided for in Section 5-9.209 of the Modesto Municipal Code, is hereby established in the amount of $75.00 to reimburse the City for the cost of investigation. Said fee is nonrefundable.

SECTION 6. An application fee for renewal of an escort or figure model permit, as provided for in Section 5-9.212 of the Modesto Municipal Code, is hereby established in the amount of $25.00. Said fee is nonrefundable.

BE IT FURTHER RESOLVED that this resolution shall not become effective until the effective date of Ordinance No. 2899-C.S.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR FURNISHING TWO GRANULAR ACTIVATED CARBON ADSORPTION SYSTEMS FOR
TWO WELLS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for furnishing two granular activated
carbon adsorption systems for two wells

copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
May 3, 1994, at 10:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 19th day of April
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore.

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan and Patterson, Mayor Lang

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-209

A RESOLUTION APPROVING SUBSTITUTION OF SUBCONTRACTOR BY SCHRIMSHER & MINENI CONSTRUCTION, CONTRACTOR FOR THE REHABILITATION OF SEWER LIFT STATIONS - MURIEL AVENUE, MAZE BOULEVARD AND MARK RANDY PLACE PROJECT

WHEREAS, the City of Modesto has contracted with Schrimsher & Mineni Construction for the rehabilitation of sewer lift stations - Muriel Avenue, Maze Boulevard, and Mark Randy Place project; and

WHEREAS, the prime contractor on the job listed Woehrle Drywall & Painting as their polyurethane lining subcontractor in their original bid; and

WHEREAS, the listed subcontractor, Woehrle Drywall & Painting, is not an approved applicator of the protective coating specified for use on the project.

WHEREAS, Section 4107 of the Public Contract Code allows the awarding authority to consent to the substitution of another firm as a subcontractor when the listed subcontractor fails or refuses to perform his or her subcontract.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of Jeffco Painting & Coating, Inc. as subcontractor for the polyurethane lining installation, replacing Woehrle Drywall & Painting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-210

A RESOLUTION GRANTING AN EASEMENT TO MODESTO IRRIGATION DISTRICT FOR AN ELECTRICAL SERVICE EASEMENT NEEDED TO THE NEW HANGAR BEING CONSTRUCTED AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District granting an easement to M.I.D. for an electrical service easement needed to the new hangar being constructed by Modesto Air Charter, Inc. at the Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said easement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-211

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
SELDON J. GRAHAM FOR THE ACQUISITION OF 4,418± FEET OF RIGHT OF WAY NEEDED
FOR THE SCENIC, EAST OF OAKDALE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Seldon J. Graham for the
acquisition of 4,418± feet of right of way needed for the Scenic, east of
Oakdale widening project

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 19th day of April
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: _________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-212

A RESOLUTION APPROVING A REVISED AGREEMENT WITH SAAG TO PROVIDE TRAFFIC Modelling services to SAAG, USING A CONSULTING TRANSPORTATION PLANNING FIRM IN LIEU OF CITY TRANSPORTATION STAFF IF NECESSARY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the revised agreement between the City of Modesto and SAAG to provide traffic modelling services to SAAG, using a consulting transportation planning firm in lieu of City Transportation staff if necessary be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said revised agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore.

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO SHIFT FUNDING FROM SALARIES TO SERVICES FOR CONSULTANT FEES.

WHEREAS, the City Manager has been authorized to sign a revised agreement with SAAG wherein City Transportation Division staff will provide traffic modelling services to SAAG on a reimbursable basis, using a consulting transportation planning firm in lieu of City Transportation staff if necessary.

WHEREAS, the City has already estimated the revenue from SAAG for this work. However, the Transportation staff that was going to do this work has left the City and is now working with a consulting firm. There are salary savings due to his departure.

WHEREAS, it is necessary to transfer some if the salary savings to outside services in order to pay the consultant for this work as it is done.

WHEREAS, the following adjustments are necessary.

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Expenditures</th>
<th>General Fund</th>
<th>Increase (Decrease)</th>
</tr>
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<tr>
<td>010-160-1601-0110</td>
<td>Salaries &amp; Wages Regular</td>
<td>($10,000)</td>
<td></td>
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<tr>
<td>010-160-1601-0235</td>
<td>Services Professional &amp; Other</td>
<td>$10,000</td>
<td></td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan, Patterson, Mayor Lang

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GREGG E. MILLER & ASSOCIATES, INC. FOR PROFESSIONAL ELECTRICAL ENGINEERING SERVICES AND PREPARATION OF ENGINEERING BID DOCUMENTS FOR TENNIS COURT LIGHTING RENOVATION AT DAVIS AND DOWNEY COMMUNITY PARKS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gregg E. Miller & Associates, Inc. for professional electrical engineering services and preparation of engineering bid documents for tennis court lighting renovation at Davis and Downey Community Parks be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore.
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan and Patterson, Mayor Lang

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-215

A RESOLUTION URGING THE EMERGENCY MEDICAL SERVICE AGENCY BOARD OF DIRECTORS TO INSURE AN EQUITABLE DISTRIBUTION OF PATIENTS BETWEEN DOCTOR'S MEDICAL CENTER AND MEMORIAL HOSPITAL.

WHEREAS, the Mayor of the City of Modesto formed an Ad Hoc Committee consisting of three Councilmembers to attempt to mediate an ongoing dispute between Doctor's Medical Center ("DMC"), and Memorial Hospital in relation to competition between the two hospitals for trauma patients, which has led to a helicopter controversy, and

WHEREAS, neighbors in the area adjacent to Doctor's Medical Center have complained to the City of Modesto about the impacts of DMC's helicopter service, and

WHEREAS, at a recent meeting of the Emergency Medical Service Agency ("EMS"), the EMS Agency has determined that there is a need for only one service provider in the region, and

WHEREAS, by a report dated April 14, 1994, the Mayor's Ad Hoc Committee presented its recommendation to the City Council that the City Council should adopt a resolution urging the EMS Agency Board of Directors to insure an equitable distribution of patients between Doctor's Medical Center and Memorial Hospital for the following reasons:

1. To the extent that one hospital gets more patients, there is an economic incentive for the other to establish a competing but unnecessary helicopter service.
2. Two air ambulance services could result in higher costs to patients and the entire community.

3. The resulting competition for trauma patients has led to the unnecessary involvement of the City of Modesto by each hospital in the hopes of using the City's regulatory power to gain an advantage over the other.

3. A requirement for equitable distribution of patients could decrease the likelihood that DMC would want to continue its own service thereby decreasing the number of flights to DMC and benefiting the neighbors who have complained about the impacts of DMC's helicopter service.

4. Both hospitals have made major investments in state of the art trauma centers and the equitable distribution of patients would result in better utilization of those facilities.

WHEREAS, the City Council considered the recommendation of the Mayor's Ad Hoc Committee at its meeting of April 19, 1994,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, in an effort to resolve the controversy which has arisen between Doctor's Medical Center and Memorial Hospital, the City Council hereby urges the Emergency Medical Service Agency Board of Directors to insure an equitable distribution of patients between Doctor's Medical Center and Memorial Hospital at such time that the Agency selects a single air ambulance provider for the Alpine, Motherlode and San Joaquin region for the reasons mentioned above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of April, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, McClanahan, Patterson

ATTEST: [Signature]
NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-216

A RESOLUTION APPOINTING JEANNETTE GOULD MAINO AS POET LAUREATE OF THE CITY OF MODESTO FOR THE PERIOD FROM JULY 1, 1994 TO JUNE 30, 1996

WHEREAS, a non-salaried honorary position of "Poet Laureate of the City of Modesto" was established on July 13, 1993, by Resolution No. 93-412, for the purpose of presenting original poems at various official occasions.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Jeannette Gould Maino be appointed Poet Laureate of the City of Modesto for the period from July 1, 1994 to June 30, 1996.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed Poet Laureate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTESI: JUDY C. HALL, Acting City Clerk
A RESOLUTION AMENDING THE CITY OF MODESTO POLICY REGARDING THE POET LAUREATE OF THE CITY OF MODESTO

WHEREAS, a non-salaried honorary position of Poet Laureate of the City of Modesto was approved on July 13, 1993, by Resolution No. 93-412; and

WHEREAS, by Resolution No. 93-412, a policy regarding said non-salaried honorary Poet Laureate position was adopted; and

WHEREAS, the Culture Commission has recommended certain changes to the policy, a copy of which is attached hereto.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the policy regarding the Poet Laureate of the City of Modesto is hereby amended.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

JUDY C. HALL, Acting City Clerk
CITY OF MODESTO POLICY REGARDING POET LAUREATE

It is the desire of the Culture Commission and the Modesto City Council to establish a non-salaried position to be known as The Poet Laureate of the City of Modesto, and that this position, while largely honorary, would carry with it certain expectations and obligations.

I. Qualifications

A. Those nominated for this position should have reputations within the community as creators and lovers of poetry.
B. Those nominated for this position should have some public speaking ability.
C. Those nominated for this position should be published authors.

II. Terms of Office

A. The normal term of office shall be for two years, commencing on the first day of July.
B. An individual may serve no more than four consecutive years.

III. Nomination/Selection Procedure

A. At least three months prior to the ending of a term, the Culture Commission shall announce the vacancy, and declare itself open for nominations.
B. Nominations may come from any citizen of the City of Modesto.
C. Nominations will be received by the Department of Parks and Recreation.
   - An application/Nomination Form is attached to this document for use by those wishing to apply or to nominate someone else for the position.
D. The Poet Laureate Selection Committee (a sub-committee established by the Modesto Culture Commission) will review and screen the nominations, selecting two for further consideration by the Culture Commission.
E. The Culture Commission will make the final recommendation to the Modesto City Council.
F. The City Council will formally appoint an individual to the position.
G. The Mayor will notify the selected poet by way of a letter of congratulations.

-continued-
IV. Continuity

A. The Poets Laureate Selection Committee will maintain a list of all eligible nominated poets, and review this entire list every two years (or more frequently, if necessary) before making subsequent selections.

B. Persons who have published new works, received additional awards, or feel that in other ways their Applications should be updated are encouraged to do so at any time.

C. Poems created by the Poet Laureate while acting in a formal capacity will be preserved in a book by the Poets' Corner Committee as part of their collection on the Poets' Bookshelf at the McHenry Museum.

V. Expectations

A. The Poet Laureate will be expected to present a poem written especially for the event at a variety of Special Occasions involving the City of Modesto. These include, but not be limited to, such activities as:

1. Installation of new City Council members, or new Mayor
2. Sister City receptions
3. Dedications of new city buildings
4. Openings of various cultural events
5. Civic and community functions directly involving city government, as invited
6. Other events and occasions befitting the Poet Laureate’s position

B. The Poet Laureate will be expected to present an original poem which will be included in each Anthology of the Poets’ Corner Contest, beginning in 1994.

C. The Poet Laureate will be expected at all times to be an ambassador for the literary arts to the community.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-218

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF CHARLES CRANE RELATING TO AN AMENDMENT TO SECTION 31-3-9 OF THE ZONING MAP TO REZONE PROPERTY FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(503), PROPERTY LOCATED ON THE WEST SIDE OF MARTIN LUTHER KING DRIVE, NORTH OF VINE STREET AND OVERRULING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Charles Crane on December 20, 1993, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(503), property located on the west side of Martin Luther King Drive, North of Vine Street, described as follows:

R-1 to P-D(503)

All that Certain real property situate in a portion of the Northeast one-quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, described as follows:

Being a portion of the South half of Lot 9 of Spencer Colony, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 16, 1904 in Volume 2 of Maps, at Page 3, described as follows:

Beginning at the Northeast corner of said south half of Lot 9 at a point on the centerline of Martin Luther King Blvd. (Franklin Street), and running thence South 89°58'30" West, 665.58 feet, to the Northwest corner of said south half of Lot 9; thence South 0°10' West, along the West line of said lot and the centerline of the Modesto Irrigation District Canal, 97.05 feet; thence North 89°58'30" East, 125 feet; thence South 0°10' West, 100 feet; thence North 89°59' East, 391.60 feet; thence North 0°10'00" East, 79.00 feet; thence South 89°59'00" West, 20.92 feet; thence North 0°10'00"
East, 61.00 feet; thence North 89°59'00" East, 170.00 feet to the centerline of Martin Luther King Blvd. (Franklin Blvd.); thence North along said centerline, 57.05 feet to the point of beginning.

WHEREAS, a public hearing was held by the Planning Commission on February 14, 1994, and continued to February 28, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 94-13, and

WHEREAS, an appeal of the Planning Commission's denial of the request to rezone the property was filed with the Office of the City Clerk by Mid-Valley Engineering on behalf of Charles Crane by letter dated March 8, 1994, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in City Hall, 801 11th Street, Modesto, California, on April 12, 1994, and continued to April 26, 1994, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council of the City of Modesto found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1,
to Planned Development Zone, P-D(503), should be granted for the following reasons:

1. The proposed P-D Zone for elderly housing is an in-fill development that helps fulfill a need for this special type of housing.

2. The proposed P-D Zone conforms to the General Plan which calls for a variety of housing types in all neighborhoods.

and

WHEREAS, on April 26, 1994, the City Council introduced Ordinance No. 2904-C.S. giving approval to a project relating to an amendment to Section 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(503), property located on the west side of Martin Luther King Drive, north of Vine Street,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. APPEAL GRANTED. The appeal of Mid-Valley Engineering on behalf of Charles Crane for an amendment to Section 31-3-9 of the Zoning Map to reclassify the property described above from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(503), is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(503), is hereby approved subject to the following conditions:
1. All development shall conform to the plot plan and floor plans titled "Preliminary Site Plan Senior Citizens Housing-Revised for Neighbor Access", as amended in red, stamped approved by the City Council on April 26, 1994.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   a. Six-foot ('6') high wood fence with decorative masonry pilasters at 16 foot on centers along the entire north, west and east boundary lines. Double board construction shall be employed where parking is adjacent to adjoining properties as indicated on the plans.

   b. Any security fencing desired along Martin Luther King Drive, Risso Court, and the Vine Street frontage shall be of open iron construction as required by the Planning and Community Development Director.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. The north 28-feet of Vine Street and the developed portion of Risso Court shall be improved to R-2 residential alley standards consistent to Standard Specifications which improvements shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
7. Prior to issuance of a building permit, the applicant shall obtain a written agreement from owners of the Vine Street road easement to improve and maintain the north 28 feet of this easement as required by the Public Works and Transportation Director. This agreement shall acknowledge continuous responsibility for maintenance by the developer and not by City of Modesto.

8. Prior to issuance of a building permit the developer shall dedicate public utility easements and an eight-foot sidewalk and planting easement as required by the utility companies and the Public Works and Transportation Director.

9. Prior to issuance of a building permit, the applicant shall obtain quit claim or abandonment all but the south 100 feet of a 40-foot north-south road easement identified as Risso Court and shall obtain written agreement of the owner of adjoining property to the west as to common access in a form approved by the City Attorney.

10. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

11. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures. The four-plex structure at the northwest corner of the site shall be sprinklered as required by the Fire Chief. Prior to issuance of a building permit, the developer shall satisfy the Fire Chief as to adequacy of fire flow requirements.

13. All signs shall comply with the sign requirements of the R-2 Zone.
14. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.

SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(503):

Said development schedule shall be completed in two phases:

Phase I to include the east 24 units and all on-site and off-site improvements, construction to start on or before May 1, 1996, completion by May 1, 1997.

Phase II to include the remaining units or westerly portion of parcel, construction to start on or before May 1, 1997, and completion to be by May 1, 1998.

SECTION 4. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 5. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 6. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the
above-described property to Planned Development Zone, P-D(503), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: 

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By

Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 94-219

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(503). (CHARLES CRANE)

WHEREAS, on January 19, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(503), property located on the west side of Martin Luther King Drive, north of Vine Street might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-220

A RESOLUTION GRANTING THE APPEAL FILED BY
GENE WILKINSON, ON BEHALF OF THE MODESTO
POLICE MANAGEMENT ASSOCIATION (MPMA), TO THE
DECISION OF THE CITY MANAGER, FOR A
BARGAINING UNIT CONSISTING OF POLICE
CORPORALS, SERGEANTS AND LIEUTENANTS.

WHEREAS, Personnel Rule 17 on Employer-Employee
Relations provides that an employee organization may file a
petition with the City Manager seeking to be formally recognized
as representing employees in a unit claimed to be appropriate for
the purpose of meeting and conferring in good faith, and

WHEREAS, Gene Wilkinson, on behalf of the Modesto
Police Management Association (MPMA), petitioned the City Manager
for formal recognition as an employee organization for a
bargaining unit consisting of Police Corporals, Sergeants and
Lieutenants, and

WHEREAS, said petition was filed in compliance with
applicable provisions of Rule 17, however, the City Manager did
not agree with the bargaining unit as proposed by the MPMA, and

WHEREAS, the City Manager met jointly with the MPMA and
the Modesto Police Officers Association (MPOA) to hear their
respective views before making a final determination, and

WHEREAS, after having considered comments from the MPMA
and the MPOA and reviewing the job responsibilities of the
various classifications involved, the City Manager, by letter
dated March 28, 1994, addressed to Gene Wilkinson, on behalf of
the MPMA, advised that he determined that Corporals should be excluded from the MPMA bargaining unit and should be included in the Modesto Police Officers Association (MPOA) unit, and

WHEREAS, by letter dated April 5, 1994, Gene Wilkinson, on behalf of the MPMA, filed an appeal with the City Council to the decision of the City Manager, and

WHEREAS, by City Council Resolution No. 94-203 adopted on April 12, 1994, said appeal was duly noticed and set for a public hearing to be held at 4:00 p.m., on April 26, 1994, in the City Council Chambers located in City Hall, 801 Eleventh Street, Modesto, California, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, thereafter, the City Council found and determined that said appeal should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal to the decision of the City Manager filed by Gene Wilkinson, on behalf of the Modesto Police Management Association, petitioning for a bargaining unit consisting of Police Corporals, Sergeants and Lieutenants is hereby granted.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-221

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(501).
(HAGOPIAN, LUST, AND CALLAWAY)

WHEREAS, a verified application for an amendment to
Section 10-3-9 of the Zoning Map was filed by Hagopian,
Lust, and Callaway on October 11, 1993, to reclassify from
Low Density Residential Zone, R-1, to Planned Development
Zone, P-D(501), to allow a neighborhood shopping center,
property located on the northwest corner of Sylvan Avenue
and Oakdale Road described as follows:

All that certain real property situate in a portion of
the Northeast one-quarter of Section 10, Township 3
South, Range 9 East, Mount Diablo Base and Meridian and
lying in the City of Modesto, State of California, more
particularly described as follows:

COMMENCING at the Northeast corner of Parcel "1", as
shown on the map, filed in Book 29 of Parcel Maps, at
Page 100, Stanislaus County Records, said corner lies
on the West Right-of-Way line of Oakdale Road; thence
South 0°53'20" East along said Right-of-Way line,
651.90 feet; thence South 16°25'54" West, 32.76 feet to
the point of beginning of a tangent curve, concave to
the Northwest, having a radius of 25.00 feet and a
central angle of 2°27'24"; thence Southwesterly along
the arc of said curve, 1.07 feet to a point on a curve,
from which a radial line bears South 1°30'43" West,
said curve being concave to the South, having a radius
of 5050.00 feet and a central angle of 2°04'49"; thence
Westerly along the arc of said curve, 103.35 feet;
then South 89°25'54" West, 375.63 feet to the point
of beginning of a tangent curve, concave to the
Northeast, having a radius of 15.00 feet and a central
angle of 89°40'57"; thence Northwesterly along the arc
of said curve, 23.48 feet; thence North 0°53'09" West,
665.58 feet; thence North 89°23'25" East, 583.89 feet
to the point of beginning of this description.
Including the East 30.00 feet of 60.00 foot wide Carson
Oak Drive, North 50.00 feet of 100.00 foot wide Sylvan Avenue, West 50.00 feet of 100.00 foot wide Oakdale Road and all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on February 14, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 94-9 that the rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D Zone conforms to the General Plan which calls for a neighborhood shopping center with a supermarket anchor tenant at this major/major street intersection.

2. The proposed P-D Zone will serve the best interests of the general public by providing needed goods and services and at the same time providing compatibility with the low-density residential areas to the west, northwest and southwest.

and

WHEREAS, after a public hearing held on April 26, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Hagopian, Lust, and Callaway for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the
reasons set forth in Planning Commission Resolution No. 94-9 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2905-C.S. on the 26th day of April, 1994, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(501),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned-Development Zone, P-D(501), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan/Village Centre" as amended in red, stamped approved by the City Council on April 26, 1994. The developer shall provide a finished appearance to the west elevations of Buildings C and D as required by the Planning and Community Development Director.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the entire north and west property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Tree planting along the periphery shall be at a minimum five (5) gallon size and shall be selected such as to provide a 15 foot high screen within five (5) years.

3. Fences or walls shall be constructed prior to occupancy of any use and shall be as follows:

   Eight-foot (8') high decorative masonry wall along the entire north and west property
lines. Provision shall be made for vines and irrigation to be included on the north side of the wall adjoining the R-2 zoned vacant lot as indicated in red on the approved plans. Said vines and irrigation systems shall be as approved by the Director of Parks and Recreation.

4. The following street right-of-way dedication and improvements are traffic impact mitigation measures and shall be provided prior to issuance of a building permit and prior to occupancy respectively, or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area:

a. The developer shall dedicate and improve the project's Sylvan Avenue frontage in accordance with the Village One Public Facilities Master Plan concept for the Sylvan/Oakdale intersection.

b. The developer shall dedicate and improve the project's Oakdale Road frontage in accordance with the Village One Public Facilities Master Plan concept for the Sylvan/Oakdale intersection.

c. The developer shall install curbed medians per City of Modesto Standard Specifications on the southbound and eastbound approaches of the Sylvan/Oakdale intersection.

d. The developer shall restripe the north and west legs of the intersection in accordance with the Village One Public Facilities Master Plan concept for the Sylvan/Oakdale intersection, or in accordance with a interim modified striping plan approved by the Public Works and Transportation Director.

e. The developer shall reconstruct the improvements at the northwest corner of the Sylvan/Oakdale intersection in accordance with City of Modesto Standard
Specifications, including traffic islands, traffic signal equipment relocation, traffic loop detectors relocation and additions.

f. The developer shall make such modifications and additions to the existing traffic signal system, traffic striping, and other traffic control measures at the Sylvan/Oakdale intersection as may be determined by the Public Works and Transportation Director to be necessary to implement the required medians, reconstruction, and restriping of the north and west legs of the intersection.

g. The developer shall receive credit against the Streets portion of the applicable Capital Facilities Fees for any traffic signal and median improvements which are eligible for CFF funding, as determined by the Director of Public Works and Transportation. Credit shall be limited to the lesser of the amount of the CFF Streets fees payable for the development or the cost of the CFF eligible improvements constructed.

h. The developer shall restripe all legs of the Sylvan/Carson Oak/Hashem intersection to conform to the concept presented in Figure 9 of the October 27, 1993, Barton-Aschman Associates Traffic Impact Analysis for the project, or a modified concept approved by the Director of Public Works and Transportation. The developer shall modify the median on the south leg as required to implement this re-striping.

i. Prior to issuance of a building permit, the developer shall pay one-half of the cost of signalizing the Sylvan/Carson Oak/Hashem intersection, which funds shall be held by the City in a trust account for this improvement until such time as the other one-half of the cost to signalize this location is received.
through developer exactions or other means.

With regard to the foregoing condition, the Planning Commission finds pursuant to Government Code Section 66001 that the documentary and oral evidence introduced at the hearing establishes:

1) That the purpose of the sum to be paid to the City is to partially mitigate impact of traffic generated by the project.

2) That the funds will be used by the City to fund a portion of improvements to the Sylvan/Carson Oak/Hashem intersection.

3) As set forth in the applicant's traffic study, shopping centers generate traffic, therefore there is a reasonable relationship between the use of the sum (to fund a portion of the cost of a traffic signal) and the type of development project on which the sum is imposed.

4) That as set forth in the applicant's traffic study, there is a reasonable relationship between the need for improvements to the Sylvan/Carson Oak/Hashem intersection and development projects of this type because the intersection will receive a large portion of the approximate 7,600 daily trips that will be generated by this project.

5) That as set forth in the letter from City of Modesto Transportation Planner, Joe Holland, dated November 8, 1993, there is a reasonable relationship between the amount of the sum and the portion of the costs of improving the Sylvan/Carson Oak/Hashem inter-
section attributable to this development.

j. The developer may enter into a reimbursement agreement with the City for any required roadway improvement costs which are to be included in the Village One financing plan.

5. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

6. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

8. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

10. Any business may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.
11. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

12. The loading dock area on the north and west sides of the shopping center may not be used for outside storage of any type of material.

13. Any activity in the loading dock area, including the parking of trucks, may be conducted only between the hours of 7 a.m. and 10 p.m.

14. The supermarket shall be the first use to open for business in the shopping center.

15. Two freestanding shopping center identification signs shall be permitted, one each on the Sylvan Avenue and Oakdale Road frontages. These signs shall not exceed 72 square feet in area and 20 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone.

16. No signs shall be permitted above eight feet in height on north face of Buildings A and C and on the west face of Building C. No advertising or identification signs shall be placed on the west face of or in front of the west face of Building D.

17. The following are air quality impact mitigation measures imposed under the process of the CEQA:

   a. The developer shall provide direct pedestrian access to main entrances of all building from existing or potential public transmit stops and the sidewalk. Such access shall include but not be limited to paved walkways, ramps, or stairways.

   b. The developer shall provide a minimum of 15 on-site parking spaces for employees
who rideshare, the spaces and system of administration therefor subject to approval of the Planning and Community Development Director.

c. The developer shall provide bicycle racks and enclosures with space for at least ten bicycles.

d. Tree planting throughout the site shall be subject to the requirements of the Parks and Recreation Director and the Modesto Municipal Code.

e. The major tenants in the shopping center shall provide on-site lounge and eating areas.

f. The developer shall provide on-site automatic teller machines (ATM's) and postal services.

g. The developer shall provide for curb-side bus service in accordance with the requirement of the Public Works and Transportation Director.

h. The developer shall provide an easement for future bus shelters as requested by the City of Modesto and the transit providers.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D(501):

The entire construction program be accomplished in one phase, construction to begin on or before February 17, 1997, and completion to be not later than February 17, 1998.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in
accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned-Development zones and other applicable City laws, rules, regulations and procedures.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 94-222

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(501). (HAGOPIAN, LUST, AND CALLAWAY)

WHEREAS, on __April 26__________, 1994, the City Council introduced Ordinance No. 2905-C.S. giving approval to a project relating to an amendment to Section 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(501), property located on the northwest corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a mitigated negative declaration in regard to the environmental impact of the subject project, and

WHEREAS, the mitigation measures have been incorporated into the approved project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or
cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(501), property located on the northwest corner of Sylvan Avenue and Oakdale Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR THE WATERLINE ON SYLVAN AVENUE TO WATER TANK NO. 4 AND WELL NO. 54

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for the waterline on Sylvan Avenue
to Water Tank No. 4 and Well No. 54
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
May 26, 1994, at 11:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 26th day of April
1994, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
                  Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST:  JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-224

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY GIVING THE CITY AUTHORITY TO CONSTRUCT A WATERLINE WITHIN THE STANISLAUS COUNTY RIGHT OF WAY ON SYLVAN AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, giving the City authority to construct a waterline within the Stanislaus County right of way on Sylvan Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-225

A RESOLUTION ACCEPTING THE LAKEWOOD TRUNK SEWER EXTENSION UNDER MID LATERAL NO. 3 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the Lakewood Trunk Sewer Extension under MID Lateral No. 3 has been completed by Allen A. Waggoner, Inc. in accordance with the contract agreement dated November 2, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Lakewood Trunk Sewer Extension under MID Lateral No. 3 be accepted from said contractor, Allen A. Waggoner, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $76,410.55 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-226

A RESOLUTION AUTHORIZING THE MODESTO POLICE
DEPARTMENT TO PARTICIPATE IN A TRAFFIC
SAFETY/FIELD STUDY PROGRAM CONDUCTED BY
ANACAPA SCIENCES, INCORPORATED, FOR THE
NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION.

WHEREAS, the Modesto Police Department will be one of
three municipal police agencies selected to participate in a
Traffic Safety/Field Study Program conducted by Anacapa Sciences,
Incorporated, for the National Highway Traffic Safety
Administration, the objective of which is to systematically
evaluate the effect of different traffic enforcement programs and
their impact on traffic safety and the high profile impact on
crime in the surrounding areas, and

WHEREAS, the specific proposed traffic enforcement
program for Modesto will be to emphasize enforcement for speed
and headway infractions, and

WHEREAS, the different enforcement programs will be
used to compare the effects of high visibility traffic
enforcement, how it can improve traffic safety in the community,
and how it can deter certain types of criminal behavior within
the selected enforcement areas, and

WHEREAS, this program will incur no additional cost to
the Police Department, it will only involve data collection,
 crime and accident statistical information; however, the Police
Department will receive approximately $14,000 in equipment and
funds while participating in this program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Modesto Police Department to participate in a Traffic Safety/Field Study Program conducted by Anacapa Sciences, Incorporated, for the National Highway Traffic Safety Administration (NHTSA), the objective of which is to systematically evaluate the effect of different traffic enforcement programs and their impact on traffic safety and the high profile impact on crime in the surrounding areas.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-227

A RESOLUTION ADOPTING AN EMERGENCY GAP FINANCING LOAN PROGRAM AND ADDITION TO COMMUNITY DEVELOPMENT PROGRAM OFFICE POLICY AND PROCEDURES MANUAL

WHEREAS, as part of an effort to mobilize all available resources to assist the victims of the fire in McHenry Village, staff is suggesting utilizing Community Development Block Grant Funds to make emergency loans to help these businesses take steps necessary to reopen; and

WHEREAS, any loan made with Community Development Block Grant funds must meet one of three national objectives: eliminate slums and blight; direct benefit to low and moderate income persons; or meet an urgent community need.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Emergency Small Business Loan Program" as an addition to the Community Development Program Office Policy and Procedures Manual, a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
ADDITIONS TO CDPO POLICY AND PROCEDURES MANUAL

EMERGENCY SMALL BUSINESS LOAN PROGRAM

The following language will be added to Chapter 18 of the CDPO Policy and Procedures Manual:

Section 18.1 (a) "EMERGENCY SMALL BUSINESS LOANS -" In the event of a natural or civil disaster (eg. fire, flood, earthquake, riots, etc.) that renders an existing business unable to operate, owners of such businesses within the city limits of Modesto may apply for assistance under the Emergency Small Business Loan program.

Section 18.1 (b)- "In order to be eligible for assistance under this part, owners must have employed persons who qualify as low or moderate income as defined by the Dept. of HUD. Evidence of their income eligibility must be submitted and verified along with other required information. Loans are tied to the number of low and moderate jobs to be retained by provision of the financing. There is a maximum of $30,000 that may be borrowed for each low or moderate income job retained. Maximum loan under this program shall be $90,000 per business.

Section 18.1 (c)- "Because of the emergency nature of the program, completed loan applications will be submitted directly to the Economic Development Loan Committee. Applications will be reviewed for eligibility and completeness by CDPO staff and a recommendation will be made to the City Council by the Economic Development Loan Committee."

Section 18.1 (d)- "It is the purpose of this program to act as gap financing for businesses that do not receive adequate insurance settlements to cover the cost of re-opening, or to provide capital in anticipation of an insurance settlement. If the gap loan is made in anticipation of an insurance settlement, the insurance proceeds will be used to pay off the Emergency Small Business loan."

Section 18.1 (e)- "With the exception of the requirement to secure private financial commitments, all other requirements of this Chapter will remain the same."
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR THE PETROLEUM VIOLATION ESCROW ACCOUNT PROJECT FOR RETIMING AND UPGRADING OF TRAFFIC SIGNALS IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that

the agreement between the City of Modesto and the State of California for the Petroleum Violation Escrow Account project for retiming and upgrading of traffic signals in the City of Modesto

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-229

A RESOLUTION ACCEPTING RIGHT OF ENTRY FROM SYLVAN UNION SCHOOL DISTRICT FOR A WELL SITE AT SHERWOOD SCHOOL

WHEREAS, City staff has located a well site on the Sherwood School site to replace one in Sherwood Park that has failed.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Right of Entry from Sylvan Union School District for a well site at Sherwood School be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the Right of Entry from Sylvan Union School District for a well site at Sherwood School by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-230

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID E. AND MARY C. GALLO, TRUSTEE, FOR THE ACQUISITION OF 2,000 SQUARE FEET OF RIGHT OF WAY NEEDED FOR THE CLAUS ROAD PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David E. and Mary C. Gallo, Trustee, for the acquisition of 2,000 square feet of right of way needed for the Claus Road Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-231

A RESOLUTION CERTIFYING REVIEW OF
ENVIRONMENTAL ASSESSMENT, APPROVING THE
PROPOSED NEGATIVE DECLARATION, AND DIRECTING
THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF
THE ENVIRONMENTAL IMPACT RELATING TO THE
PUBLIC WORKS ROAD WIDENING PROJECT ALONG
CLAUS ROAD BETWEEN DRY CREEK AND THE MODESTO
IRRIGATION DISTRICT (MID) LATERAL NO. 2.

WHEREAS, on September 29, 1993, the City's
Environmental Assessment Committee (EAC) conducted an initial
study to determine if the Public Works Road Widening Project
along Claus Road between Dry Creek and the Modesto Irrigation
District (MID) Lateral No. 2 might have a significant effect on
the environment, and

WHEREAS, the EAC recommended that a draft negative
declaration for said project be prepared, and

WHEREAS, any comments received by the City during the
public review period on the draft negative declaration were
forwarded to the City Council for consideration with the
recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental
impacts with the project, and

WHEREAS, City staff thereafter recommended that the
Modesto City Council approve the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:
SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: [Signature]

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-232

A RESOLUTION APPROVING A REFUND IN THE AMOUNT OF $11,514.77 TO MODESTO ICE SERVICE FOR OVERPAYMENT OF BUSINESS LICENSE AND BUSINESS IMPROVEMENT TAXES

BE IT RESOLVED by the Council of the City of Modesto that the request of Modesto Ice Service for refund of $11,514.77 for overpayment of business license and business improvement taxes is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-233

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
HASHEM NARAGHI FOR LEASE OF A POLICE SUBSTATION LOCATED AT 3229 OAKDALE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and Hashem Naraghi for lease
of a Police substation located at 3229 Oakdale Road

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 26th day of April 1994, by Councilmember McClanahan, who moved its adoption, which motion
being duly seconded by Councilmember Cogdill, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-234

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PMZ REAL ESTATE FOR THE LISTING OF VACANT AIRPORT PROPERTY FOR SIX MONTHS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and PMZ Real Estate for the listing of vacant Airport property at Mitchell Road & Tenaya Drive, east end of Airport Way and 700 Tioga Drive; and four offices at 700 Tioga Way be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Patterson

ATTEST:

JUDY C. HALL, Acting City Clerk
RESOLUTION ESTABLISHING A PROCEDURE FOR INDUSTRIAL DISABILITY RETIREMENT DETERMINATIONS OF LOCAL SAFETY OFFICER EMPLOYEES OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM.

BE IT HEREBY RESOLVED by the City Council of the City of Modesto that following the filing of an application for industrial disability retirement by a local Safety Officer under the Public Employees Retirement System, the following procedures shall be employed:

1. An initial determination will be made by the City upon medical and other available evidence offered by either the applicant or the City to determine whether the applicant is incapacitated from the performance of duty. Such determination shall be made no later than six months from the date of the application unless this time requirement is waived in writing by the applicant. Said determination shall be made by the Personnel Director designated by the City Manager.

A. If it is determined by the City that the applicant is incapacitated, and the incapacity is industrial, the City Manager will so certify to PERS.

B. If it is determined that the applicant is incapacitated but that the cause of incapacity is nonindustrial, the City Manager will so certify to PERS.

C. If it is determined that the applicant is incapacitated, but the applicant contends that the cause of disability is industrial, the applicant may petition the Workers' Compensation Appeals Board for a Finding of Fact determining causation. If the WCAB determines the cause of incapacity to be industrial or nonindustrial, the City Manager will so certify to PERS.
D. If the City determines that the applicant is not incapacitated from the performance of duty, it shall notify the applicant of this determination. The City shall notify the applicant by certified mail (return receipt requested) or by personal service of its intent to certify to PERS its findings that the applicant is not incapacitated. The applicant will be further advised that he or she has thirty (30) calendar days within which to advise the City that the applicant requests a hearing.

2. If the applicant requests a hearing, said hearing shall be held in conformity with the Administrative Procedures Act. When an applicant requests a hearing, the City will notify the Office of Administrative Hearings and will request a hearing date and a prehearing conference with an Administrative Law Judge. The applicant will be informed that the hearing will be held at the time and place designated by the Office of Administrative Hearings which shall set a hearing date and pre-hearing conference. The applicant will be informed that the hearing will be held within six months of the application date based upon the evidence which is available as of that time. The applicant may waive the right to a hearing within six months.

The hearing shall be conducted before the City Manager, with the Administrative Law Judge acting as the presiding officer.

An administrative record shall be generated at the hearing pursuant to the Administrative Procedures Act. All testimony shall be recorded by a Certified Shorthand Reporter.

Following the hearing, a decision and findings of fact will be made by the City Manager. The decision and findings will be served on the applicant by certified mail.

If applicant is found to be incapacitated, the City shall so certify to PERS. If applicant is found not to be incapacitated, the applicant will be further advised that he or she has thirty calendar days within which to seek judicial review. Such review is by means of filing a Petition for Writ of Mandate in the Superior Court of Stanislaus County.
BE IT FURTHER RESOLVED that the City Manager is authorized to initiate requests for reinstatement of local safety officers previously retired for disability.

BE IT FURTHER RESOLVED that Resolution No. 78-450, adopted by the Council on May 1, 1978, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modest held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

04/26/94 -3- OP01K15/CA/rh
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,000 FOR THE CREEKSIDE GOLF COURSE CLUBHOUSE GROUNDS IMPROVEMENTS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Dryden Golf Course Lakes Design
(660 330 0249 6010) $5,000

TO: Creekside Golf Course Clubhouse Grounds
(660 330 0243 6010) $5,000

The scope of work has increased from the original improvement plan due to the need to relocate a counter in the Pro Shop. The relocation of the counter will provide better customer service and deter shoplifters.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
A resolution approving an agreement between the City of Modesto and Modesto Garden Project for the use of two acres of Tuolumne River Regional Park adjacent to the City Nursery at Robertson Road and Sutter Avenues for a garden project

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Garden Project for the use of two acres of Tuolumne River Regional Park adjacent to the City Nursery at Robertson Road and Sutter Avenues for the purpose of a garden project to provide education and charitable assistance through job training for disadvantaged and homeless persons be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-238

A RESOLUTION GRANTING APPROVAL TO THE CHAMBER
OF COMMERCE RELATING TO GRAFFITI USA TO BE
HELD ON JUNE 11 AND 12, 1994.

WHEREAS, the Chamber of Commerce has requested City
assistance and has submitted specific requests to City staff
related to Graffiti USA to be held on Saturday and Sunday,
June 11, and June 12, 1994, respectively, and

WHEREAS, at its regular meeting on December 7, 1993,
the City Council accepted the staff report on Graffiti USA '93
and the recommendations for 1994, and

WHEREAS, City staff has been working with the Chamber
of Commerce to address the issues presented in that report, and

WHEREAS, the Chamber of Commerce has provided staff
with a proposal outlining the specific plans for Graffiti USA '94
dated April 1, 1994, setting forth the requests from the Chamber
to the Modesto City Council, a copy of which is attached hereto
and incorporated herein by reference, and

WHEREAS, City staff has reviewed the proposal and
recommends acceptance of the proposal with the following
amendments:

1. That the downtown streets be ready for sweeping by
1:00 a.m. on Monday, June 13, 1994; and

2. That the Chamber provide traffic control and
personnel to assist transit busses as described in the memo from
the Transit Manager, a copy of which is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the Chamber of Commerce for City assistance with respect to Graffiti USA and the report from the Chamber of Commerce dated April 1, 1994, a copy of which is attached hereto and incorporated herein by reference, setting forth the requests from the Chamber.

BE IT FURTHER RESOLVED that the Council hereby approves the recommended staff amendments to the proposal.

BE IT FURTHER RESOLVED that the Chamber of Commerce shall be required to sign an acceptance of the conditions which are set forth in the Chamber's report dated April 1, 1994.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
ACCEPTANCE

THE CHAMBER OF COMMERCE does hereby accept all of the terms and conditions set forth in Resolution No. ________ and its attachment(s) pertaining to GRAFFITI USA to be held on June 11 and 12, 1994.

Dated: __________________________

CHAMBER OF COMMERCE

BY ____________________________

BY ____________________________
CITY OF MODESTO
MEMORANDUM

DATE: April 20, 1994

TO: Jim Niskanen
FROM: Fred Cavanah, Transit Manager
SUBJECT: Graffiti USA '94

Per our discussion, I'm requesting that the sponsors of this event provide traffic control and personnel as necessary to enable transit buses to negotiate in a safe and timely fashion the detours and heavily congested areas which result from the event. I'm also requesting that they provide personnel and traffic control as needed to enable the Transportation Center to continue operating during all phases of the event. Two areas that need particular attention are discussed below.

1. Transportation Center ingress/egress is a major concern. Greyhound, Stanislaus County Transit and MAX buses will need to enter the Center from K St. and I St. They will need to exit onto I St. Another major bus exit is 9th St., but we can operate with only the I St. exit for the few hours that 9th St. will be closed on Saturday. Also of major concern is access to the short term customer parking lot. Its only entrance/exit is on 9th St. An additional concern is the problem of autos attempting to park in the parts of the Transportation Center that are restricted to buses. With the Graffiti event, this auto parking is going to be a greater problem than ever.

2. The other area of concern is MAX access to north Modesto during the hours that 9th St. is closed on Saturday. The only way I can see to get there is on 8th St. using the intersection of 8th and Kansas. This will be an impossible movement (both directions) to make unless that intersection has someone to direct traffic.

Thanks.
GRAFFITI USA 1994

PROPOSAL

THE PUBLIC SAFETY COMMITTEE

and

THE MODESTO CITY COUNCIL

REQUEST FOR APPROVAL

and

RESOLUTION

Submitted By

The Modesto Chamber Of Commerce
April 1, 1994
April 1, 1994

Mr. James Niskanen, Assistant Director
Parks and Recreation Department
City of Modesto
801 11th Street
Modesto, Ca. 95353

Re: Graffiti USA 1994

Dear Jim,

As per your request, the Chamber of Commerce is responding in writing to your evaluation of the 1993 Graffiti USA Event and your recommendations for 1994. We look forward to working with the City to plan the best Graffiti USA ever.

THE PROPOSAL

That the Public Safety Committee and the Modesto City Council approve the proposal for Graffiti USA '94 as submitted herein. The Modesto Chamber has met with City Staff and has included plans to address all concerns and recommendation submitted by City Staff. It is the Chamber's goal to continue to develop Graffiti USA a "Community Celebration" that appeals to a broad family audience and provides opportunities for local non-profit organizations to benefit financially. Our local "Friends Of D.A.R.E." Program has been designated as the primary beneficiary of Graffiti USA '94.

Just as the Chamber applied itself to satisfying the 36 conditions set forth by the City in 1993, we intend to continue to develop a high level of trust between the City and the Chamber in regards to our ability to plan and handle the needs of Graffiti USA. As Director Gaynor's letter of November 16, 1993 states: "Graffiti USA was well received by the public and the overall format was organized and presented in a highly professional manner." With the exception of the new Parade Route, we will produce the same basic event as last year, improving upon the areas that we have all mutually identified.

Director Gaynor's letter of November 16, 1993, and our subsequent conversations with City Staff, included recommendations and improvements in the following areas:
1. The Chamber needs to do a more thorough job of communicating plans and addressing the concerns of businesses affected by the fencing and closure of the 16 block festival area.

The Chamber has added a New Steering Committee Chairman to coordinate the notification of downtown property owners, merchants and residents affected by the street closures and fencing. The new Chairman is Chuck Wells, a local Real Estate Appraiser and Chamber Volunteer, who is developing a mail and personal contact campaign that will insure that all affected by Graffiti USA are notified, and their needs incorporated into event planning. (The Davis High Sunshine Rotary / Interact Club will assist in the personal contact of all residents and merchants.

2. The route for the Classic Car Parade needs to be re-examined.

The Chamber and City Staff have agreed upon a new cruise route that was developed after input from over 260 classic car owners. The Modesto Jaycees and The Graffiti USA Steering Committee are developing a car show and parade plan that will be enjoyable for the participants and the audience alike. The Graffiti USA Steering Committee has been working with the Modesto Area Street Rod Association and the Central California Corvette Clubs to finalize all operational plans for this year's classic car parade.

The parade route submitted has already been submitted to Cal Trans and has gained approval. The Parade Plan includes a Neighborhood Watch Program called NEET, (Neighborhood Environmental Enforcement Teams) that addresses the security and safety concerns of the route and the surrounding neighborhoods and businesses. A combination of private security and volunteers will staff over 150 positions on and around the parade route. The final plan will be developed in cooperation with the Modesto Police and Traffic Departments, and submitted to City Staff for final approval.

3. Portable Restrooms

The Graffiti USA Event Director is presently negotiating a Portable Toilet Rental Contract which will include adequate service throughout the downtown festival area, as well as providing portable toilets at Graceada Park along the Parade Route.

I am sure that the air-conditioned bathrooms in the Modesto Centre Plaza will be even more popular as we develop the Auto Expo Trade Show at the Modesto
Centre Plaza. We all hope that the additional income derived by the City from the Auto Expo Trade Show will more than compensate for the additional janitorial expense incurred.

4. **Post Event Clean-Up**

Through the experience of the past two years of working with private food vendors, we have "culled" those vendors that don't take their clean-up responsibility seriously. We have an excellent sub contractor that is working directly with the County Environment Health Department, Fire Department and City Permit Department to insure that the highest safety and cleanliness standards are met. We are developing a clean-up plan that includes day-time volunteers provided by the Modesto Kiwanis Club, and a night-time "turn-around" clean-up service provided by a private contractor. We will work closely with the Downtown Improvement District, City Staff and individual merchants to insure that all private and public property is properly cleaned after the event.

5. **Youth Involvement**

The Graffiti USA Steering Committee is centering its attention on developing new opportunities for young people to participate in the car show and parade. We have a new Youth Car Show & Cruise Committee that is working actively with our local High Schools to develop these programs. The Youth Committee is made up of High School Students, interested parents and Chamber volunteers.

We intend to concentrate our attention on presenting music and entertainment that appeals to our target family audience. There will be a large display of 50's, 60's and 70's music with Beatlemania, Papa Do Run, Papa Clutch & The Shifters, Wolfman Jack & The Aces, Hotel California (A Tribute To The Eagles), and a Saturday Night Headliner yet to be selected. The D.A.R.E. Family Stage at Court House Park will feature Country Music by "The Rangers Of The West" and the "Sons Of The San Joaquin", along with special appearances by the "Yo Yo Man" and other kids and family-oriented entertainment.

Graffiti USA would like to see the Modesto Parks & Recreation Department get more actively involved in developing youth events that encourage youth participation in Graffiti USA. Graffiti USA will work closely with City Staff to develop new opportunities.
6. **Cal Trans Encroachment Permit**

The Modesto Chamber of Commerce contracted with Mid Valley Engineering to secure prior approval from Cal Trans for all closures and detour plans prior to submitting such plans to City Staff for approval. Cal Trans / Stockton approved the enclosed closure and detour plan in October, 1993. Mid Valley Engineering and George Reed Construction will implement the closure and detour signing plan as approved by Cal Trans and City Staff.

Graffiti USA will pay for all expenses incurred in planning and implementing the Cal Trans Encroachment Permit Plan, and requests that the City sign and submit the Permit Application to Cal Trans under the City's open permit. (Attachment A, Item # 28)

7. **Union Pacific Railroad**

The Graffiti USA Steering Committee is working with Union Pacific to try and eliminate or minimize train traffic on June 11th & 12th.

8. **Event Entry Points**

There are five (5) entrances to Graffiti USA, which includes one entrance on each side of the festival, plus one at the Red Lion Hotel. Rather than add additional entrances, we are planning on improving our signage and direction program outside of the festival area, and increasing the number of available ticket lines at each entrance location, so that we can handle a higher traffic volume during peak entrance periods.

9. **Saturday Evening Street Party Scene**

With the Classic Parade Route moved off of K Street, we should have an easier time clearing guests from the Graffiti USA Headliner Stage Area, when the event ends at 7:00 PM. Last year we tried to accomplish the change-over with inadequate staffing in one hours. We intend to clear the area at 7:00 PM and not start the evening concert until 9:00 PM. The Saturday Night Street Scene will be limited to 3,000 ticket holders. This policy will be clearly stated in all advertising for the Saturday Night Street Scene and will be clearly posted at all ticket sales locations, so there is no misunderstanding on the part of day-time festival patrons. At this point in the event's development, we cannot afford to bring the caliber of talent that we book for Saturday Night, without charging a moderate ticket price. We will develop a transition plan for City approval that will not require the assistance of the City.
OTHER RELATED ISSUES

A. Enforcement of the Cruise Ordinance

Graffiti USA shall continue to focus its promotion on the positive aspects of the Downtown Graffiti USA Festival and the Classic Car Parade, and will in no way encourage "cruising" in the City of Modesto.

B. Reducing the cost of providing City services for Graffiti Weekend

Due in part to the continued development of Graffiti USA, the Modesto Police Department anticipates being able to reduce the cost of providing Police Services for Graffiti Weekend by $24,000 in 1994. The Chamber intends to continue working closely with the Modesto Police Department to help reduce the cost of providing Police Services for Graffiti Weekend.

Graffiti USA has designated "Friends Of D.A.R.E." as the primary financial beneficiary of Graffiti USA.

Graffiti USA has agreed to underwrite the cost of producing the Graffiti USA Auto Expo Trade Show, at the Modesto Centre Plaza, with 80% of all profits going to the City of Modesto.

Through standardization of the event, Graffiti USA will require less City Staff time for reviewing and evaluating event plans each year, resulting in substantial management time savings for the City of Modesto.

In an effort to help the City of Modesto reduce expenses further, Graffiti USA has agreed to pay the City of Modesto Five Thousand ($5,000) Dollars as a line expense item.

CONCLUSION

Based on the enclosed event map and parade route plan, as well as the recommended improvements to last year's event plan, we respectfully request that you approve Graffiti USA '94 and submit a resolution for approval by the Modesto City Council on April 12, 1994.

Very truly yours,

Doug Van Pelt, VP Graffiti USA
The Modesto Chamber Of Commerce
ATTACHMENT A

The following points were made a part of the Graffiti USA '93 agreement with the City of Modesto and are included as a part of the agreement by the Modesto Chamber of Commerce to produce Graffiti USA '94. Changes or additions for '94 are underlined.

1. The Modesto Chamber of Commerce will conduct Graffiti USA in the 16-block area of downtown bordered by 9th Street, H Street, 14th Street and L Street.

2. The Classic Car Cruise will again be located in downtown Modesto, with half of the route inside or the festival area and half of the route outside of the festival area. A map is attached of the 1994 parade route, which fulfills the Council’s desire to provide a safe and enjoyable cruise for the classic car owners and a safe and secure environment for those that wish to watch the Classic Car Cruise and enjoy Graffiti USA.

3. We will promote Graffiti USA again as a celebration of the life-styles and values made famous by the movie "American Graffiti". A chance to relive the 50's and early 60's . . . a step back in time. We will invite our community to join us "Continuing The Tradition" in the safe and secure environment of Graffiti USA.

We will advertise Graffiti USA throughout the San Joaquin Valley, with special emphasis in Stanislaus, San Joaquin and Merced Counties. We do intend to do some select advertising outside of the valley in cooperation with our sponsors. None of our advertising will promote "cruising" in Modesto, other than as a part of the sanctioned Graffiti USA Classic Car Parade. We will inform the media throughout California that the cruising ordinance will be enforced on Graffiti Weekend, and that Graffiti USA is held in downtown Modesto.

4. The Chamber will work with merchants and residents in the 16 block area and along the route of the Classic Car Event to minimize the impact on their respective properties.

5. The Chamber will plan activities and events that will be attractive to the local youth of Modesto during Graffiti USA. These events will be located in the 16-block festival area. The Chamber is seeking input from local high school students.
to identify potential activities. The Chamber will assume the cost of conducting these activities as well as related security.

6. The Chamber will fence and have controlled access into the 16 block area. General Admission will be $3.00 during the day and $7.50 for Saturday Night's Street Scene Party. One Dollar Discount Coupons will be available through all Graffiti USA Sponsors and participating media sponsors.

7. B 3 Management, Inc., our Graffiti USA Management Company, has been working with Captain Bob Guthrie to develop the Festival and Cruise Route Plan. Based on the acceptance of our proposed cruise route for 1994, we will contract with Pacific Event Services to finalize security plans with the Modesto Police Department. We will extend our security to the entire cruise route on Saturday and submit all plans to the Modesto Police Department for approval.

8. The Chamber will provide portable toilets and trash control inside the facility as well as in key locations outside of the festival on the parade route.

9. We request that no vendor permits to sell concessions or merchandise be issued along the parade route.

10. Graffiti USA has contracted with Mid Valley Engineering and George Reed Construction to develop a traffic and detour plan that will provide safe and secure access to the Graffiti USA Festival Area, as well as satisfying Cal Trans and City traffic concerns. The Cal Trans Encroachment Permit Map and detour plan has been approved by Cal Trans. George Reed Construction will install and take down all directional and detour signs required. The Chamber requests that the actual permit application be requested and signed by the City of Modesto.

11. The Chamber has invited the City to provide a representative to sit on the Graffiti USA Financial Review Committee and will have access to Graffiti USA financial records 45 days after the event.

12. The Chamber will be allowed to conduct the Classic Car Parade from 4:00 PM to 7:00 PM on Saturday, June 11, 1994, on a route approved by Cal Trans and the City of Modesto.

13. The Chamber will provide sufficient volunteers to place and maintain street barricades on the cruise / parade route. These volunteers will remain at their post during the entire time of the street closure.
14. The Chamber requests that the City close I Street between 11th and 12th Streets to all vehicular traffic, excepting emergency and Post Office vehicles, beginning at 6:00 AM on Friday, June 10, 1994.

15. The Chamber requests that the City close K Street, between 9th & 10th Street to all vehicular traffic, except emergency vehicles beginning at 6:00 AM on Friday, June 10, 1994.

16. The Chamber requests that the City close 10th Street, between K and J Streets to all vehicular traffic, excepting emergency vehicles beginning at 6:00 AM on Friday, June 10, 1994.

17. The Chamber requests that the City close 11th Street, between K and L Streets to all vehicular traffic, except emergency vehicles beginning at 6:00 AM on Friday, June 10, 1994.

18. The Chamber requests that the City close and allow the Chamber to barricade the entire Graffiti USA Festival perimeter beginning at 6:00 PM on Friday, June 10, 1994, through 6:00 AM, Monday, June 13, 1994. All tents and street obstructions will be removed by 4:00 AM to allow for street sweeping.

19. The Chamber will provide its own 24-Hour security in the downtown area during the set-up period and for the duration of the event.

20. The Chamber will provide and install signs directing all vehicular and pedestrian traffic at locations where streets and sidewalks are closed to traffic.

21. The Chamber shall be responsible for all clean-up of parking lots, streets and alleys during and after the event. The City will provide normal street sweeping on Monday, June 13, 1994, at 4:40 AM. Should the City be required to provide clean-up services for the event, 100% of those expenses shall be charged to the Chamber.

22. Vehicular traffic on city parking lots will be restricted to passenger vehicles and pick-up trucks, except where expressly approved in writing.

23. The Chamber and Saint Stanislaus School will host the Midway of Fun Carnival in the Modesto Centre Plaza Parking Lot. and on 11th Street, from Thursday, June 9, through Sunday, June 12, 1994. The Carnival will load-in on Wednesday, June 8, 1994. The Carnival will also operate on 11th Street, between K and L Streets on Friday Evening, Saturday and Sunday. We are requesting that 11th
Street between L and K Streets be closed to vehicular traffic on Friday morning, to enable the carnival to move and park trucks and unload rides safely.

St. Stanislaus School, on behalf of Graffiti USA and The Midway of Fun Carnival, will secure a special City of Modesto Carnival Permit and shall be responsible for any repairs necessary to the carnival site or city streets. No stakes will be put into the city streets. Twelve foot emergency lanes will be provided on all city streets used for the carnival.

24. The Chamber requests that the City Hall parking lots be used for participant parking within the festival perimeter without fee. The Chamber shall secure and monitor such parking.

The Chamber requests the use of the City Parking lot on the corner of 10th and K Streets to be used for the Graffiti USA Headliner Stage.

The Chamber requests the use of the City Parking lot on the corner of 12th and I Street to be used to display tractors and the 4-H Petting Zoo.

25. A minimum twelve foot access will be maintained at all times on city streets, alleys and around fire hydrants. All perimeter fencing will be installed in panels that will allow for immediate removal.

26. All tents will be inspected by the Fire Marshal or his designee and appropriate permits will be issued.

27. The City will waive all City Inspection and Permit Fees. $5,000 payment to the City of Modesto.

28. The Chamber will be responsible for any other fees as may be required by other agencies, except when the City is exempt from such fees. (Cal Trans)

29. The Chamber will execute a rental license agreement to use the Modesto Centre Plaza and shall conform to all policies and procedures established by the Modesto Centre Plaza, within two weeks of approval, based on the Auto Expo Trade Show Agreement already agreed upon by the City and the Chamber.

30. The Chamber shall adhere to all Alcoholic Beverage Control Board requirements. The entire festival area is fenced again this year and we request that the Modesto Police Department provide the Chamber with a letter approving the sale of beer and wine within the "Controlled Access Festival Area". ID Check procedures
will be handled at all entrances again and ID Bracelets will be provided to those showing positive picture ID only. No alcohol will be allowed into or out of the facility. No alcohol will be served or allowed in the carnival or children's areas. The sale of beer and wine on Saturday night will be limited to the Graffiti USA Headliner Stage Area at 10th & K Street. A specific controlled access and security plan will be submitted to the Modesto Police Department for review and approval, prior to submitting application to the Department of Alcoholic Beverage Control.

31. All food booths and carts will be inspected by the Fire Department and the County Environment Health Department. Inspections will be completed prior to June 10, 1994 whenever possible. Should a booth or cart not meet inspection requirements upon arrival after June 10, 1994, it shall not be admitted to the festival area.

32. No liquid petroleum gas (LPG) will be used in enclosed areas. A minimum of one 2A 10BC fire extinguisher will be provided for each cooking area.

33. The Chamber will indemnify, defend and hold harmless the City of Modesto and The Redevelopment Agency, it's officers, agents, etc. as required by the City of Modesto Risk Manager.

34. The Chamber will furnish the Risk Manager of the City of Modesto with current and valid certificates of insurance evidencing general liability in the amount of $1,000,000 primary and $4,000,000 umbrella with the City of Modesto and The Redevelopment Agency as "Additional Insureds". A separate liquor license liability endorsement shall be provided, as well as workmen's compensation insurance coverage. All such polices will conform to City of Modesto Risk Management guidelines and requirements.

35. The Chamber will secure approval of the Graffiti USA '94 plan from the County of Stanislaus.

36. The Chamber shall file written acceptance of the resolution approved by the Modesto City Council, with the City Clerk, and no right shall be conferred until said acceptance is filed.

Respectfully Submitted for Approval and Resolution.

Doug Van Pelt, VP
Graffiti USA
GRAFFITI USA PARADE

NEET PROGRAM
(NEIGHBORHOOD ENVIRONMENT ENFORCEMENT TEAM)

Presented To

Captain Bob Guthrie
Modesto Police Department

By

Don Bean
Event Director
Graffiti USA
March 10, 1994
PURPOSE

The NEET Program has been developed to insure that the Graffiti USA Parade Route, and the neighborhoods along and surrounding the Parade Route, will be safe and secure for the public and that private property rights will be well protected. This program will be in addition to the Host and Security Program for the Graffiti USA Festival Area.

BACKGROUND INFORMATION

The Graffiti USA Parade is held on Saturday, June 11, 1994, from 4:00 PM to 7:00 PM. The Parade Route is to be secured and barricaded by Graffiti USA beginning at 3:00 PM and will be closed to traffic until 8:00 PM. Graffiti USA will utilize a combination of private security guards and volunteers to secure and monitor the Parade Route and the surrounding area. The plan will be submitted for review, direction and approval by the Modesto City Police Department.

CONCEPT

Graffiti USA does not intend to advertise or promote the parade route outside of the Graffiti USA Festival Area. Since the entire parade route will obviously be shown in the Modesto Bee and talked about by the media throughout the valley, the plan is being implemented to insure that the route outside of the festival area will not create negative circumstances for residents and business along that portion of the parade route.

Since the parade is held in the afternoon and ends prior to nightfall, (4-7 PM) we do not anticipate major public nuisance problems along the parade route. Even during the years when the Graffiti USA Parade was held on McHenry Avenue, the majority of problems on McHenry Avenue happened after dark. But, to insure that there are no problems, the NEET Program will be instituted to mitigate any negative influences that could occur.
Bob, The Chamber really looks at this year's event as a make or break it year for the cruise / parade. The event is well sponsored and starting to stand on it's own financial feet. It donates over $40,000 to charity and has the potential to do much more. But, the cruise was a night-mare from the car owners perspective last year.

I'm sure you read in the paper about how some of the car clubs are upset that we did not renew our agreement with Graffiti Fun Runs. Those involved are a loyal bunch of friends who can't see the forest for the trees. Most classic car owners do not belong to a car club, and their primary objective at Graffiti USA is to show off their nice cars and to continue to celebrate the positive cruising tradition that George Lucas captured in his movie "American Graffiti". Graffiti USA just plain needs this route to satisfy the car owners that do support Graffiti USA.

My marching orders from the Chamber are to do what ever it takes to host a cruise / parade that Modesto can take pride in. Someone else is going to have to make sure that Beatlemania and Papa Clutch & The Shifters get to the stage on time this year, because I am going to concentrate my personal efforts on making this new parade concept work. With a regular presence by the Modesto Police Department, I feel confident that we can start this parade right and control the environment. I'm staking my event management reputation and my job on it.

I have to meet with the classic car owners next Wednesday, March 16th, so would appreciate it, if you would review our plan and respond by Monday, March 14th, so we can continue the planning process at our Wednesday meeting.

Respectfully Submitted,

Don Bean, Event Director
Graffiti USA

cc: GUSA Executive Committee
THE PLAN

I. Parade Route Security

The entire parade route will be secured by Pacific Event Services, a licensed California Security Company, in cooperation with volunteers coordinated by the Modesto Jaycees. The primary purpose of the parade route security team is to insure that the streets on the route are clear and safe for the classic cars to parade, as well as to provide for public safety and service needs along the parade route. This parade route deployment plan includes 71 positions and will be in place by 3:00 PM on Saturday, June 11, 1994. These positions will be staffed until Graffiti USA Management is notified by the Modesto Police Department that such services are no longer needed. Block Captains will be in radio contact with Graffiti USA Security Command Center.

II. Parade Route Barricades

All streets leading to the parade route will be barricaded at the expense of Graffiti USA and will be staffed by Graffiti USA volunteers. Rick Mummert of Mid Valley Engineering is developing the detour and signing plan for the City of Modesto and Cal Trans Encroachment Permits, and will submit it to the City of Modesto Traffic Department for review and approval.

III. Needham Avenue & Neighborhood Watch Program

The neighborhoods and streets colored in blue adjacent to Needham Avenue have been designated as HIGH PRIORITY by Graffiti USA, and will be patroled to insure that private property rights are protected in those areas. Since these neighborhoods are directly adjacent to the parade route, it is assumed that they will receive the heaviest impact from automobile and foot traffic. It is our suggestion that the streets marked in blue be closed to all traffic and parking from the hours of 3:00 PM to 8:00 PM. Each of these blocks will have two security guards patroling the area. Graffiti USA will provide all barricades and staffing necessary to secure these areas. All personnel will be in radio contact with Security Command Center.

IV. Bike Patrols

The areas marked in pink are designated as MEDIUM PRIORITY and will be patroled by security personnel on bicycles. Their job will be to patrol the areas around the neighborhoods and insure that private property rights are maintained. These people will be in radio contact with our Security Command Center, so that resources can be deployed to these area if needed.
NEEDHAM AVENUE / CRUISE ROUTE

FUTURE COMMUNICATIONS CO.
BLISS HAIR SALON
NAILS BY SAMI
PARALEGAL SERVICES
THE COPY CENTER

MODESTO CHRISTIAN CENTER
LAWN AREA ADJACENT

TAYLOR CHIROPRACTIC

GIANELLI & FORES
1014 16TH STREET

GROTHE & SMITH
1029 16TH STREET

101 & 102 MAGNOLIA
CORNER LOTS

SHERSON LEHMAN
NEEDHAM & SYCAMORE 101 SYCAMORE

GRACAEDA PARK
TO ALICE STREET

MODESTO RADIOLOGICAL
101 PARK & NEEDHAM

JOHN T. MURPHY
101 POPULAR #3

JBH REAL ESTATE
101 POPULAR #1

100 HACKENBERRY
KILLIAN REAL ESTATE
529-3520

NEVILLE BROS. SERVICE
NEEDHAM & VIRGINIA

MODESTO INN
NEEDHAM & VIRGINIA

NEEDHAM LIQUOR
ACROSS FROM 1ST BAPTIST OFFICE

SUSUKI GARAGE
ACROSS FROM 1ST BAPTIST OFFICE

GRANT REALTY
NEEDHAM & OLIVE AVENUE

ROYAL ROBBINS
NEEDHAM & O STREET
FIRST BAPTISH CHURCH
PO BOX 4309
MODESTO, CA. 95352

WADE ESTES, SENIOR PASTOR

WORLD WIDE EDUCATIONAL SERVICES
1230 13TH STREET #C 95352

LAO FAMILY REFUGEE SERVICES #E

HEALTH ANALYSIS, INC. #B

STAMOS INSURANCE SERVICES
1230 13TH STREET

WESTERN STATE EVICTION - 578-1173
STANISLAUS PROPERTY MGT. 578-1174
HERITAGE REAL ESTATE 578-1187

KOINONIA TAPES
1213 14TH STREET

PARKSIDE MGT. COMPANY
1213 14TH STREET #3

GRACAEDA PARK DENTAL BLDING.
1207 - HALLIDAY, DDS 1209 - UYEYAMA, DDS 1211 - SHINKWIN, DDS.
14TH STREET

JACKS SKI HOUSE - REALTOR - FRANK JORGENSEN - 551-4922

1ST CHRISTIAN CHURCH - JERRY BURD, PASTOR 1320 L STREET

SIDNEY A. ISRAELS, ATTORNEY 1130 14TH STREET 95353 PO BOX 1637

THE WAITNEY GROUP
SONJA KNUTSEN INTERIOR DESIGN NEEDHAM ACCESS FROM 15TH
1414 L STREET

DEANNA MINENI
400 NEEDHAM AVENUE

CAL BEAUTY COLLEGE
1115 15TH STREET

CINNAMON CAFE
April 9, 1994

Jim Niskanen, Assistant Director
Parks & Recreation Department
City of Modesto
Fax (209) 522-1780

Dear Jim,

Following is the letter and invitation given to merchants and residents all along the proposed cruise route to participate in a planning meeting regarding the Graffiti USA Parade route.

I personally accompanied volunteers from the Johanson High School Band Boosters Club on Saturday and Sunday as they knocked on every door and gave these letters to the residents and merchants. If people were not in, we left the letter in their mailbox.

We covered all streets along Needham Avenue, including Elmwood, Magnolia, Sycamore, Park, Popular, Hackenberry, Virginia, Popular, Orange and Olive, from Needham to Wright Street.

We covered 16th Street from Needham to I Street.

We covered 9th Street and all of the area between 9th Street and 14th Street, between Needham and L Street. (The area between the festival area and Needham)

The Graffiti USA Executive Committee will host the meeting on the 14th and discuss our plan to control the parade route and the areas surrounding the parade route. (NEET)

I would appreciate it if you and Bob Guthrie would attend, so that you will have first hand knowledge of the concerns and questions that come up.

Thanks!

Don Bean, Event Director
Graffiti USA
Dear Neighbors,

The Modesto Chamber of Commerce has been proud to host Graffiti USA for the past three years. Through the support of over 700 volunteers, Graffiti USA donated over $43,000 to local non-profit organizations in 1993, and has designated our local "Friends of DARE" Program as the primary financial beneficiary of Graffiti USA '94.

Graffiti USA has operated safely and securely for the past three years, without any major incidents or arrests. It provides a safe and secure atmosphere for our community to continue their love-affair with classic cars, good time rock & roll and Wolfman Jack. We have worked closely and effectively with the Modesto Police Department over the past three years, to develop a security and host program for Graffiti USA that protects private and public property rights and insures a well organized and controlled event.

It is our primary goal to establish a Graffiti USA Classic Car Parade Route this year, that will continue to be used for the foreseeable future. As neighbors of the festival and parade area, we would like to explain our initial plans to you ... gain input from you ... and then develop and implement a plan that addresses the needs of all concerned.

After months of meeting with City Staff and over 260 Classic Car Owners, we have developed a Parade Route that we feel will provide an enjoyable and safe "cruise" for the anticipated 700 car parade on Saturday Afternoon, June 11th, from 4:00 pm to 7:00 pm.

The proposed route basically circles the Graffiti USA Festival Area, providing an opportunity for the audience to view the cruise from inside and outside of the festival area. The entire Parade Route is staffed with over 150 private security guards and volunteers from the Modesto Chamber Of Commerce and The Modesto Jaycees. We have developed a program called NEET (Neighborhood Environment Enforcement Teams), that will insure that private property rights along and around the Parade route are protected. We are confident that we can eliminate or minimize any negative influences created by the parade route closures and the public impact on the surrounding areas.

Please join us for an Informational and Public Input Meeting at 7:00 PM on Thursday Evening, April 14, at Mancini Bowl, In Graceada Park. (See map on back)

Thank You!

Graffiti USA

1501 K Street / Modesto, CA 95354 / (209) 576-2222 / Fax (209) 576-2226
A RESOLUTION AMENDING ANNUAL REVENUE BUDGET
OF THE CITY OF MODESTO FOR THE FISCAL YEAR
1993-94 TO MAKE ADJUSTMENTS FOR THE THIRD
QUARTER.

WHEREAS, after third quarter financial analysis has
been completed, it has been determined that certain adjustments
are required to the Annual Revenue Budget of the City of Modesto
for the Fiscal Year 1993-94,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the changes listed in Attachment "A"
attached be made to the Annual Budget of the City of Modesto for
the Fiscal Year 1993-94.

BE IT FURTHER RESOLVED that the Finance Director is
hereby authorized to take the necessary steps to implement the
provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE / City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
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**Total:** 716,831
A RESOLUTION REVISING THE 1993-94
"APPROPRIATIONS LIMIT" ACCORDING TO ARTICLE
XIIIB OF THE CALIFORNIA CONSTITUTION.

WHEREAS, Council Resolution No. 93-356A established the price and populations factors used in determine the City's Proposition 4 Appropriation Limit for fiscal year 1993-94, and

WHEREAS, at the time of adoption of the 1993-94 City of Modesto Annual Budget, interagency transfers from Stanislaus County were unavailable, and

WHEREAS, Stanislaus County has now advised us of certain jurisdictional changes which resulted in interagency transfers of $37,271,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City's appropriation limitation imposed by Article XIIIB (Proposition 4) for the State Constitution for 1993-94 is revised to $133,756,380, said limitation pertains only to appropriations financed from tax proceeds.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___26th___
day of __April___, 1994, by Councilmember __Muratore___,
who moved its adoption, which motion being duly seconded by
Councilmember __Dobbs___, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

APPROVED AS TO FORM:

By ________________

MICHAEL D. MILICH, City Attorney

ATTEST: ________________

JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-241

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR
BIDS FOR FURNISHING ONE NEW VACUUM SEWER CLEANING TRUCK

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for furnishing one new vacuum
sewer cleaning truck
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
May 27, 1994, at 11:00 a.m., the City Clerk is hereby
directed to give notice inviting such sealed bids in the time, form, and
manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 3rd day of May
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember McClanahan, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF NIXON-EGLI EQUIPMENT COMPANY FOR FURNISHING ONE PAVER AND ONE PAVER TRAILER

WHEREAS, Resolution No. 93-726, adopted by the Council of the City of Modesto on December 21, 1993, approved the plans and specifications for the purchase of one paver and one paver trailer and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one paver and one paver trailer were opened at 11:10 a.m. on January 10, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Nixon-Egli Equipment Company in the amount of $42,093.48 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Nixon-Egli Equipment Company in the amount of $42,093.48 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEND: ________________________________
NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BIDS OF COUNTRY FORD TRUCKS AND F.B. HART FOR FURNISHING UTILITY TRUCKS

WHEREAS, Resolution No. 94-85, adopted by the Council of the City of Modesto on February 8, 1994, approved the plans and specifications for the purchase of fifteen new utility trucks and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of fifteen new utility trucks were opened at 11:00 a.m. on March 7, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Country Ford Trucks and F.B. Hart in the amount of $500,937 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Country Ford Trucks and F.B. Hart in the amount of $500,937 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1994, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ___________________________ NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF WEST STAR DISTRIBUTING FOR FURNISHING THREE NEW LAWN SWEEPERS

WHEREAS, Resolution No. 94-55, adopted by the Council of the City of Modesto on January 25, 1994, approved the plans and specifications for the purchase of three new lawn sweepers

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of three new lawn sweepers were opened at 11:00 a.m. on February 28, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of West Star Distributing in the amount of $72,631 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of West Star Distributing in the amount of $72,631 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF POLYMER FROM WESTERN ENVIRONMENTAL SERVICES INC.

WHEREAS, the Water Treatment Division of Public Works and Transportation Department has requested the purchase of 25,500 pounds of hydrofloc 708H polymer for use in sludge thickening to improve solids removal; and

WHEREAS, over the past several years different products have been tested in order to find the one that has maximum solids removal capabilities and to date, only Western Environmental Services, Inc. has provided the product that is effective.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of polymer is hereby waived.

BE IT FURTHER RESOLVED that purchase of 25,500 pounds of hydrofloc 708H polymer from Western Environmental Services, Inc. for the total cost of $85,000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: __________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-246

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SALIDA FIRE PROTECTION DISTRICT TO PROVIDE AUTOMATIC MUTUAL AID

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Salida Fire Protection District to provide automatic mutual aid

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DOROTHY MCCLURE FOR THE PURPOSE OF REHABILITATING PROPERTY AT 419 SUTTER AVENUE PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dorothy McClure for the purpose of rehabilitating property at 419 Sutter Avenue pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RODNEY WHITEAR FOR THE PURPOSE OF REHABILITATING PROPERTY AT 316 CENTER STREET PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rodney Whitear for the purpose of rehabilitating property at 316 Center Street pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-249

A RESOLUTION GRANTING THE APPEAL FILED BY MID-VALLEY ENGINEERING, INC., ON BEHALF OF ARLO AND MARVENE HILKEY, TO THE PLANNING COMMISSION DECISION WHICH GRANTED A REQUEST FOR A TIME EXTENSION OF THE DEVELOPMENT SCHEDULE FOR P-D(484), GALLERIA SHOPPING CENTER, PROPERTY LOCATED ON THE EAST SIDE OF ROSELLE AVENUE NORTH OF BRIGGSMORE, AND OVERTURNING THE TIME EXTENSION GRANTED BY THE PLANNING COMMISSION TO MARC SIEGAL.

WHEREAS, the City Council, by Ordinance No. 2775, effective July 25, 1991, prezoned P-D(484) for a retail commercial center with C-1 uses on the northeast corner of Briggsmore and Roselle Avenues, and

WHEREAS, City Council Resolution No. 91-408, which approved the development plan and contains the conditions of approval and the development schedule specifies construction to be in one phase, with the entire construction program to be accomplished in one phase, construction to begin on or before December 20, 1992, and be completion to be not later than December 20, 1993, and

WHEREAS, on January 4, 1993, by Resolution No. 93-2, the Planning Commission granted a one-year time extension to the development schedule of P-D(484), with construction to begin on or before December 20, 1993, and completion to be not later than December 20, 1994, and

WHEREAS, on December 6, 1993, by Resolution No. 93-54, the Planning Commission denied a request from First Fidelity
Realty Group, Inc., for a second time extension to the
development schedule of P-D(404) for two additional years,
finding that good cause had not been shown for a time extension
for reasons set forth in said Resolution No. 93-54, and

WHEREAS, an appeal to the decision of the Planning
Commission denying the second time extension was filed with the
Office of the City Clerk by letter from Steve Herum on behalf of
Marc Siegal, and said appeal was set for a public hearing to be
held on February 22, 1994, before the City Council at its regular
meeting place in the City Council Chambers in the City Hall, 801
11th Street, Modesto, California, and

WHEREAS, said public hearing was held at the date and
time noted above, and after hearing evidence both oral and
documentary, the Council, by motion, referred the appeal to the
Planning Commission denial of the second time extension back to
the Planning Commission for further review and consideration of
conditions if approved, and

WHEREAS, a public meeting was held on said matter by
the Planning Commission on April 4, 1994, in the City Council
Chambers, City Hall, 801 11th Street, Modesto, at which meeting
evidence both oral and documentary was received and considered,
and

WHEREAS, thereafter, the Planning Commission by its
Resolution No. 94-18 found and determined that cause had been
shown for a second one-year time extension in accordance with
Planning Commission policy for the reasons set forth in said Planning Commission resolution, and

WHEREAS, the Planning Commission by its Resolution No. 94-18 granted an extension to the development schedule of P-D(484) to read as set forth in said Planning Commission Resolution, and subject to conditions of City Council Resolution No. 91-408 and two additional conditions as set forth in said Resolution No. 94-18, and

WHEREAS, an appeal to the decision of the Planning Commission granting the time extension was filed with the Office of the City Clerk by letter dated April 18, 1994, from Mid-Valley Engineering, Inc., on behalf of Arlo and Marvene Hilkey, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 10, 1994, at 4:00 p.m., and

WHEREAS, said public hearing was held at the date and time noted above, and after hearing evidence both oral and documentary, the Council found and determined as follows:

SECTION 1. That the appeal filed by Mid-Valley Engineering, Inc., on behalf of Arlo and Marvene Hilkey, to the Planning Commission's decision granting a time extension to the development schedule for P-D(484) to Marc Siegal, First Fidelity Realty, for a commercial shopping center, Galleria Shopping
Center, located on the east side of Roselle Avenue between Briggsmore Avenue and Merle Avenue, should be granted and the decision of the Planning Commission should be overruled for the reasons set forth below:

1. P-D(484) has already exceeded the timing of its initial approval and two time extensions.

2. The City's neighborhood shopping center policy calls for three years to produce a shopping center or run the risk of losing out to a competing proposal.

3. The Village One Specific Plan notes that the shopping center approved by P-D(484) should revert to residential if time deadlines are not met.

4. The Village Center should be the focal point of commercial activity in the Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Mid-Valley Engineering, Inc., on behalf of Arlo and Marvene Hilkey, to the Planning Commission decision which granted a request for a time extension of the development schedule for P-D(484), Galleria Shopping Center, property located on the east side of Roselle Avenue north of Briggsmore Avenue, is hereby granted and the decision of the Planning Commission granting a second time extension to Marc Siegal as set forth in Planning Commission Resolution No. 94-18 is hereby overturned for the reasons set forth above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-250

A RESOLUTION ESTABLISHING A FEE FOR OUTDOOR SALES AND DISPLAY PERMITS.

WHEREAS, Ordinance No. 2900-C.S., which was introduced by the Council at its meeting of April 5, 1994, and which will become effective on May 12, 1994, amended Sections 10-2.1009 and 10-2.2110 of the Modesto Municipal Code relating to Outdoor Sales and Display Permits, and

WHEREAS, Ordinance No. 2906____-C.S., introduced by the Council on ____May 10__, 1994, added Section 10-2.2333 to the Modesto Municipal Code to provide that filing fees for any of the procedures authorized by Title X of the Modesto Municipal Code shall be established by resolution adopted by the City Council from time to time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a fee in the amount of $35.00 for Outdoor Sales and Display Permits is hereby established, as provided for in Section 10-2.2333 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that said fee shall become effective on the effective date of Ordinance No. 2906____-C.S.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Co~gdi11, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdoll, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-251

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR RIP RAP REPAIR AT STORAGE PONDS ON JENNINGS ROAD, 1994

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for rip repair at storage ponds on Jennings Road 1994, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 26, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-252

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE GLENN AVENUE WATERLINE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for the Glenn Avenue waterline
project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
June 9, 1994, at 11:00 a.m., the City Clerk is hereby directed to give
notice inviting such sealed bids in the time, form, and manner provided
by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 10th day of May
1994, by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO CONSTRUCT THE GLENN AVENUE WATERLINE WITHIN COUNTY RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to construct a waterline within County right of way be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-254

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TURLOCK IRRIGATION DISTRICT TO CONSTRUCT THE GLENN AVENUE WATERLINE WITHIN TID'S RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Turlock Irrigation District to construct a waterline within TID's right of way be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk
RESOLUTION NO. 94-255

UNUSED
MODESTO CITY COUNCIL
RESOLUTION NO. 94-256

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE 1994 CAPE SEAL OF VARIOUS CITY STREETS PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the 1994 cape seal of various City streets project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 9, 1994, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS TO UPGRADE THE ELECTRICAL SYSTEM AT THE BUS YARD

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications to upgrade the electrical system at the bus yard, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 9, 1994, at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-258

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CARPENTER ROAD WATERLINE FROM TORRID AVENUE TO WOODLAND AVENUE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the Carpenter Road waterline from Torrid Avenue to Woodland Avenue project, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 9, 1994, at 11:15 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-259

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO CONSTRUCT THE CARPENTER ROAD WATERLINE WITHIN THE COUNTY RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to construct the Carpenter Road waterline within the County right of way be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Granger Avenue waterline extension has been completed by Ksenco Construction in accordance with the contract agreement dated November 16, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Granger Avenue waterline extension be accepted from said contractor, Ksenco Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $62,578 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember __Friedman______ , who moved its adoption, which motion being duly seconded by Councilmember ____Dobbs______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: __________________________  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-261

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING ON REVIEW OF THE 1994-95 PROPOSED OPERATING BUDGET AND THE PROPOSED FOUR-YEAR CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
June 7 1994, at 7:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of the 1994-95 proposed operating budget and the proposed four-year Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-262

A RESOLUTION APPROVING THE COMMUNITY
DEVELOPMENT BLOCK GRANT APPLICATION FOR
FISCAL YEAR 1994-95, AUTHORIZING THE CITY
MANAGER TO EXECUTE THE APPLICATION, AND
ADOPTING THE STATEMENT OF COMMUNITY
DEVELOPMENT OBJECTIVES, WITH EXCEPTIONS, AND
USE OF CDBG FUNDS FOR PROGRAM YEAR 1994-
1995.

WHEREAS, the U. S. Department of Housing and Urban
Development (HUD) has allocated $2,133,000 to the City of Modesto
under the Community Development Block Grant Program for Fiscal
Year 1994-95, and

WHEREAS, the Community Development Program Office of
the City of Modesto has followed the Department of Housing and
Urban Development regulations for the Citizen Participation Plan
as part of the pre-submission process, and

WHEREAS, the Community Development Program Office of
the City of Modesto has disseminated information to the Modesto
community regarding the Proposed 1994-1995 Community Development
Objectives and Use of CDBG funds, and

WHEREAS, the Comprehensive Housing Affordability
Strategy, a prerequisite to the CDBG application, was approved by
the City Council by Resolution No. 93-733 adopted on December 21,
1993, and by HUD on March 4, 1994, and

WHEREAS, a public hearing to assist persons and
agencies interested in applying for funding was held on December
18, 1993, and a public hearing was held on April 15, 1994, to
consider requests for funding, and

WHEREAS, the CH&CDC's deliberations have included careful consideration of requests for funding from several nonprofit organizations and other city departments, and

WHEREAS, on April 15, 1994, the Citizens Housing and Community Development Committee reviewed and approved the 1994-1995 Statement of Community Development Objectives and Use of CDBG funds, and

WHEREAS, the City of Modesto has provided citizens with information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other related information, and

WHEREAS, the City of Modesto has provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments, and

WHEREAS, City Council approval of the application is a prerequisite for funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the 1994-1995 Community Development Block Grant Program application.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute and file said application, including all understandings and assurances, and
certifications contained therein, with the U.S. Department of Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the City Council does hereby approve the Statement of Community Development Objectives and Use of Funds for Program Year 1994-1995 as attached hereto excepting two Community Temporary Shelter Service items listed under Paragraph E, Public Services, and the Stanislaus County Affordable Housing Corporation item.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR FY 1994-95

The Community Development Block Grant (CDBG) program is administered by the U.S. Department of Housing and Urban Development (HUD) under the provisions of the Housing and Community Development (HCD) Act of 1974, as amended, and 24 CFR 570. The City of Modesto (City), through its Community Development Program Office, administers the annual CDBG entitlement from HUD by providing support for community development activities.

I. PROGRAM OBJECTIVES

The national goal of the CDBG program is to "develop a viable urban community by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low-and-moderate income." A summary of program expenditures may be found on page 10. The CDBG annual entitlement supports the following community development activities:

A. HOUSING REHABILITATION AND NEIGHBORHOOD REVITALIZATION PROGRAM

The Housing Rehabilitation and Neighborhood Revitalization program revitalizes blighted neighborhoods and preserves existing housing stock by mandatory housing code enforcement in selected low income target areas (Section 570.202(a)(1)). The program utilizes CDBG funds to provide low-interest loans and technical assistance (Section 570.202(b)) to rehabilitate homes declared substandard by the City Building Inspection Division. Theses activities meet the national objectives of "benefit to lower income" and "prevention and elimination of slums or blight." The program for the last several years has been concentrating on Target Area #3 (refer to map on page 17.) During FY 93-94, three new areas were selected and designated by the City Council as Target Areas #4, #5, and #6 (refer to pages 18, 19 and 20.)

The Emergency Home Repair Program is designed to assist homeowners living outside the designated Target Areas who need repairs done to their home. The repairs must be identified as an immediate health and safety hazard and funds will be used to provide for repairs.

The Housing Rehabilitation and Neighborhood Revitalization Program also includes various support programs such as Relocation Services, Neighborhood Clean-Up Campaigns, Paint & Insulation Rebates, Tool Bank Services and Housing Demolition Services.

The Relocation Services are those services provided to participants in the program while their home is being rehabilitated under the Housing Rehabilitation and Neighborhood Revitalization Program (Section 570.201(f)). It also includes persons permanently displaced as a result of a loss of a lower-income housing unit. The Neighborhood Clean-Up Campaign pays the collection fees for debris from Target Area residents (Section 520.201(f)(ii)). Paint and Insulation Rebates
are those cash rebates provided to homeowners for painting and insulating their homes under the Housing Rehabilitation Program. Tool Bank Services offer property maintenance equipment to residents of Target Areas for use in maintaining their homes. The Housing Demolition Program will continue to target burned and abandoned residential structures or accessory buildings (Section 570.201(D)).

The City will continue to distribute water heater blankets and anti-siphon backflow devices for hose bibs to rehabilitation clients for energy savings and safety purposes (Section 570.202(b)(5)). The City will continue a program to install and encourage the use of water-conservation devices and measures in all houses rehabilitated under community development programs.

City of Modesto, Fire Department - $4,155: The City of Modesto Fire Department will use Community Development Block Grant funds to purchase and install smoke detectors in all residential units the newly selected Target Areas, #4, #5, and #6 (Refer to maps on pages 18, 19, 20.)

Community Integrated Employment Development Services - $35,000: The Community Integrated Employment Development Services provides employment, training, affordable housing and supportive services for persons with disabilities. Community Development Block Grant funds will be used to provide for funds necessary to rehabilitate one house to be used to provide residential supportive services.

B. HANDICAP BARRIER REMOVAL PROGRAM
The City will concentrate in promoting handicap accessibility to various City buildings and facilities (Section 520.210(c)). Funds have been allocated according to the following:

Modesto Independent Living Center - $15,000: The Modesto Independent Living Center will administer its Homebound Ramp Construction Project with the use of CDBG funds. The project will construct 12 ramps for persons with disabilities who are physically unable to leave their homes.

City of Modesto, Parks and Recreation Department - $120,000: The City of Modesto Parks and Recreation Department will use CDBG funds to renovate restroom facilities for handicapped accessibility at two City parks.

American Disabilities Act Compliance/Improvements - $30,000: Community Development Block Grant Funds have been allocated to provide improvements in City buildings and for City-wide handicap curb cuts.

C. PUBLIC IMPROVEMENTS
The City of Modesto has allocated funds to provide for public improvements to facilities and neighborhoods which serve low-and-moderate income households.

Mellis Park Renovation Project - $111,825: CDBG funds have been allocated to renovate the park facilities at Mellis Park. The project will provide for new lighting and upgrading existing lighting equipment located throughout the park. CDBG funds will also be used to refurbish and replace existing equipment in the playground area.
Target Area Neighborhood, Public Improvement Project - $407,545: CDBG funds have been allocated to provide for street and sidewalk improvements to four blocks of the low-income neighborhood selected as Target Area #6 (refer to map on page 20) for the Housing Rehabilitation Program. Due to the severe deterioration in the neighborhood, the City decided to only provide public improvements in the first year of the program in this area.

D. SMALL BUSINESS LOAN PROGRAM

The City of Modesto will administer the Small Business Loan Program as a revolving loan fund to provide loans to small businesses located within the City limits (Section 570.203(b)). Loans under this program will be made to small businesses which will create or retain jobs for low-and-moderate income persons or which will provide a needed service in a low income area of Modesto (Section 570.208(c)(4)). Loans of up to $40,000 are available with up to a five-year repayment term. Staff will continue to provide in-house technical assistance for development of loan packages and small business operations.

On April 26, 1994, the City Council approved an emergency small business loan program to assist small business owners and their businesses which may be affected by natural disasters. The purpose of this program is to retain jobs previously held by low-and-moderate income persons.

E. PUBLIC SERVICES

The Public Services Program involves agencies which administer public services to individuals who are low-and-moderate income (Section 570.201(e)). The following projects will be funded with Community Development Block Grant funds during fiscal year 94-95.

Center for Senior Employment - $10,000: The Center for Senior Employment provides part-time jobs for low-income seniors through various host agencies through its Senior Aides Program. CDBG funds are used as matching funds to enable the agency to obtain funds from the National Council of Senior Citizens and from the California Department of Aging (Section 570.201(e)).

Central Valley Information and Referral System - $10,000: The Central Valley Information and Referral System is developing a centralized database of human services information. The database will serve to provide effective and efficient referrals to low-and-moderate income persons and to social service agencies serving low-to-moderate income persons. The System will also serve as means to develop needed services and programs for the community.

Community Temporary Shelter Service - $35,000: The Community Temporary Shelter Service will provide case management services to thirteen properties (housing units) leased from the U.S. Department of Housing and Urban Development. The City of Modesto has leased ten units and the Stanislaus County Affordable Housing Corporation has leased three units. The homes are being used by homeless families or individuals as they transition into permanent housing (Section 570.201(e)).

Community Temporary Shelter Service - $10,000: The Community Temporary Shelter Service, through its Housing Counseling Program, will provide current affordable housing information. The program assists families and individuals in...
The program works with landlords and property managers to maintain weekly housing lists (Section 570.201(e)).

**Miracle Mission, Inc. - $24,000:** Miracle Mission is a non-sectarian organization which targets providing sleeping, shower and restroom facilities to homeless men. Community Development Block Grant funds will be used to provide for operational expenses.

**Salvation Army - $70,000:** The Salvation Army will use Community Development Block Grant funds for administrative support and the provision of supplies for its Comprehensive Emergency Assistance Programs. These programs include the Emergency Grocery Basket Program, Hot Meal Program, Utilities Assistance, Renter's Assistance, the Senior Drop-In Center and the Transportation Assistance Programs (Section 570.201(e)).

**Senior Opportunity Service Program - $39,125:** The Senior Opportunity Service Program, through its Senior Nutrition Program, provides nutrition services to senior citizens, age 60 and older, and disabled persons who are under the age of 60. Community Development Block Grant funds are used as matching funds in order for the agency to obtain funds from the State of California and from the federal government, including the U.S. Department of Agriculture (Section 570.201(e)).

**Stanislaus County Affordable Housing Corporation - $10,000:** The Stanislaus County Affordable Housing Corporation, through its Transitional Housing Program, leased 3 homes from the U.S. Department of Housing and Urban Development in order to increase the availability of units to be used as transitional housing units. Community Development Block Grant funds will be used to provide administrative costs of the program and for emergency repairs and expenses of the properties.

**F. PROGRAM SUPPORT**

This item encompasses staff and overhead costs and supportive services provided by other City Departments for the various community development programs and activities administered by the Community Development Program Office and as were described previously.

**G. FAIR HOUSING PROGRAMS**

In its efforts to promote fair housing opportunities to low-to-moderate income families and individuals, the City of Modesto has allocated funds to provide the following services:

**Project Sentinel - $27,000** - Project Sentinel will provide fair housing services through enforcement and education of federal, state and local civil rights laws. The provision of fair housing services will encourage freedom of choice in housing. Project Sentinel will investigate allegations of housing discrimination and if appropriate, refer cases for criminal and civil remedies.

**H. ADMINISTRATION**

This activity provides for all administrative costs for management, coordination, monitoring, and evaluation of the daily operations of the Community
Development Block Grant Program (Section 570.206(e)). This includes indirect program costs as stated per the City's cost allocation plan.

II. CONFORMANCE WITH NATIONAL OBJECTIVES

| Activities to Benefit Lower Income: | $2,578,585 | 87% |
| Elimination of Slum or Blight: | $1,456,912 | 49% |
| Public Services | $208,125 | 8% |
| Planning and Administration | $245,419 | 10% |

HUD regulations require that at least 70% of CDBG funds be spent on activities that benefit low and moderate income persons. The administrative costs are limited to a maximum of 20% of the grant plus the program income.

Due to regulations some activities identified are counted as both low and moderate income benefit and the elimination of slum and blight. As a result the total percentages will exceed 100%.
## CITY OF MODESTO
### COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
#### FINAL STATEMENT OF REVENUES AND EXPENDITURES
##### 1994-95

<table>
<thead>
<tr>
<th>REVENUE</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>Entitlement (94-95)</td>
<td>$2,133,000</td>
</tr>
<tr>
<td>Estimated Carryover</td>
<td>420,000</td>
</tr>
<tr>
<td>Estimated Program Income (93-94)</td>
<td>420,000</td>
</tr>
</tbody>
</table>

**TOTAL REVENUE AVAILABLE:**

$2,973,000

### EXPENDITURES

#### PROGRAMS AND PROJECTS:

**HOUSING SERVICES -**

- Housing Rehabilitation Loan Program .......................................................... $647,542
- Emergency Home Repair Program ................................................................. 200,000
- Relocation Services ..................................................................................... 35,000
- Paint and Insulation Rebate Program ........................................................... 25,000
- Neighborhood Clean-Up Program ................................................................. 15,000
- Tool Bank Program ...................................................................................... 10,000
- Housing Demolition ...................................................................................... 5,000
- Rehabilitation Loan - Community Integrated Employment Development Services ........................................... 35,000
- Rehabilitation Grant - City of Modesto, Fire Department ........................... 4,155

**HANDICAP BARRIER REMOVAL PROGRAM**

- Modesto Independent Living Center .............................................................. $15,000
- Restroom Facilities Renovation ..................................................................... 120,000
- ADA Improvements ...................................................................................... 20,000
- City-wide Curb Cut Improvements ................................................................ 10,000

**PUBLIC IMPROVEMENTS**

- Mellis Park Playground Renovation Project .................................................. $111,825
- Target Area Neighborhood Street Improvements ........................................... 407,545

**SMALL BUSINESS LOAN PROGRAM**

- .................................................................................................................. $175,000

**PUBLIC SERVICES**

- .................................................................................................................. $208,125

| Program Project Costs | $667,609 |

**ADMINISTRATION AND PLANNING**

- Fair Housing Services .................................................................................. $27,000
- Program Administration ................................................................................. 218,419

**Total Administration and Planning**

$245,419

**TOTAL EXPENDITURES**

$2,967,220

**CONTINGENCY RESERVE**

$5,780
MODESTO CITY COUNCIL
RESOLUTION NO. 94-263


WHEREAS, the U. S. Department of Housing and Urban Development (HUD) has allocated $2,133,000 to the City of Modesto under the Community Development Block Grant Program for Fiscal Year 1994-95, and

WHEREAS, the Community Development Program Office of the City of Modesto has followed the Department of Housing and Urban Development regulations for the Citizen Participation Plan as part of the pre-submission process, and

WHEREAS, the Community Development Program Office of the City of Modesto has disseminated information to the Modesto community regarding the Proposed 1994-1995 Community Development Objectives and Use of CDBG funds, and

WHEREAS, the Comprehensive Housing Affordability Strategy, a prerequisite to the CDBG application, was approved by the City Council by Resolution No. 93-733 adopted on December 21, 1993, and by HUD on March 4, 1994, and

WHEREAS, a public hearing to assist persons and agencies interested in applying for funding was held on December 18, 1993, and a public hearing was held on April 15, 1994, to consider requests for funding, and
WHEREAS, the CH&CDC's deliberations have included careful consideration of requests for funding from several nonprofit organizations and other city departments, and

WHEREAS, on April 15, 1994, the Citizens Housing and Community Development Committee reviewed and approved the 1994-1995 Statement of Community Development Objectives and Use of CDBG funds, and

WHEREAS, the City of Modesto has provided citizens with information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other related information, and

WHEREAS, the City of Modesto has provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments, and

WHEREAS, City Council approval of the application is a prerequisite for funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the 1994-1995 Community Development Block Grant Program application.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute and file said application, including all understandings and assurances, and certifications contained therein, with the U.S. Department of
Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the City Council does hereby approve the Statement of Community Development Objectives and Use of Funds for Program Year 1994-1995 as attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR FY 1994-95

The Community Development Block Grant (CDBG) program is administered by the U.S. Department of Housing and Urban Development (HUD) under the provisions of the Housing and Community Development (HCD) Act of 1974, as amended, and 24 CFR 570. The City of Modesto (City), through its Community Development Program Office, administers the annual CDBG entitlement from HUD by providing support for community development activities.

I. PROGRAM OBJECTIVES

The national goal of the CDBG program is to "develop a viable urban community by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low-and-moderate income." A summary of program expenditures may be found on page 10. The CDBG annual entitlement supports the following community development activities:

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The City will continue to distribute water heater blankets and anti-siphon backflow devices for hose bibs to rehabilitation clients for energy savings and safety purposes (Section 570.202(b)(5)). The City will continue a program to install and encourage the use of water-conservation devices and measures in all houses rehabilitated under community development programs.

City of Modesto, Fire Department - $ 4,155: The City of Modesto Fire Department will use Community Development Block Grant funds to purchase and install smoke detectors in all residential units the newly selected Target Areas, #4, #5, and #6 (Refer to maps on pages 18, 19, 20.)

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seeking permanent affordable housing. The program works with landlords and property managers to maintain weekly housing lists (Section 570.201(e).)

Miracle Mission, Inc. - $24,000: Miracle Mission is a non-sectarian organization which targets providing sleeping, shower and restroom facilities to homeless men. Community Development Block Grant funds will be used to provide for operational expenses.

Salvation Army - $70,000: The Salvation Army will use Community Development Block Grant funds for administrative support and the provision of supplies for its Comprehensive Emergency Assistance Programs. These programs include the Emergency Grocery Basket Program, Hot Meal Program, Utilities Assistance, Renter’s Assistance, the Senior Drop-In Center and the Transportation Assistance Programs (Section 570.201(e).)

Senior Opportunity Service Program - $39,125: The Senior Opportunity Service Program, through its Senior Nutrition Program, provides nutrition services to senior citizens, age 60 and older, and disabled persons who are under the age of 60. Community Development Block Grant funds are used as matching funds in order for the agency to obtain funds from the State of California and from the federal government, including the U.S. Department of Agriculture (Section 570.201(e)).

Stanislaus County Affordable Housing Corporation - $10,000: The Stanislaus County Affordable Housing Corporation, through its Transitional Housing Program, leased 3 homes from the U.S. Department of Housing and Urban Development in order to increase the availability of units to be used as transitional housing units. Community Development Block Grant funds will be used to provide for administrative expenses of the program and for emergency repairs and expenses of the properties.

F. PROGRAM SUPPORT
This item encompasses staff and overhead costs and supportive services provided by other City Departments for the various community development programs and activities administered by the Community Development Program Office and as were described previously.

G. FAIR HOUSING PROGRAMS
In its efforts to promote fair housing opportunities to low-to-moderate income families and individuals, the City of Modesto has allocated funds to provide the following services:

Project Sentinel - $27,000 - Project Sentinel will provide fair housing services through enforcement and education of federal, state and local civil rights laws. The provision of fair housing services will encourage freedom of choice in housing. Project Sentinel will investigate allegations of housing discrimination and if appropriate, refer cases for criminal and civil remedies.

H. ADMINISTRATION
This activity provides for all administrative costs for management, coordination, monitoring, and evaluation of the daily operations of the Community
Target Area Neighborhood, Public Improvement Project - $407,545: CDBG funds have been allocated to provide for street and sidewalk improvements to four blocks of the low-income neighborhood selected as Target Area #6 (refer to map on page 20) for the Housing Rehabilitation Program. Due to the severe deterioration in the neighborhood, the City decided to only provide public improvements in the first year of the program in this area.

D. SMALL BUSINESS LOAN PROGRAM
The City of Modesto will administer the Small Business Loan Program as a revolving loan fund to provide loans to small businesses located within the City limits (Section 570.203(b)). Loans under this program will be made to small businesses which will create or retain jobs for low-and-moderate income persons or which will provide a needed service in a low-income area of Modesto (Section 570.208(c)(4)). Loans of up to $40,000 are available with up to a five-year repayment term. Staff will continue to provide in-house technical assistance for development of loan packages and small business operations.

On April 26, 1994, the City Council approved an emergency small business loan program to assist small business owners and their businesses which may be affected by natural disasters. The purpose of this program is to retain jobs previously held by low-and-moderate income persons.

E. PUBLIC SERVICES
The Public Services Program involves agencies which administer public services to individuals who are low-and-moderate income (Section 570.201(e)). The following projects will be funded with Community Development Block Grant funds during fiscal year 94-95.

Center for Senior Employment - $10,000: The Center for Senior Employment provides part-time jobs for low-income seniors through various host agencies through its Senior Aides Program. CDBG funds are used as matching funds to enable the agency to obtain funds from the National Council of Senior Citizens and from the California Department of Aging (Section 570.201(e)).

Central Valley Information and Referral System - $10,000: The Central Valley Information and Referral System is developing a centralized database of human services information. The database will serve to provide effective and efficient referrals to low-and-moderate income persons and to social service agencies serving low-to-moderate income persons. The System will also serve as means to develop needed services and programs for the community.

Community Temporary Shelter Service - $35,000: The Community Temporary Shelter Service will provide case management services to thirteen properties (housing units) leased from the U.S. Department of Housing and Urban Development. The City of Modesto has leased ten units and the Stanislaus County Affordable Housing Corporation has leased three units. The homes are being used by homeless families or individuals as they transition into permanent housing (Section 570.201(e)).

Community Temporary Shelter Service - $10,000: The Community Temporary Shelter Service, through its Housing Counseling Program, will provide current affordable housing information. The program assists families and individuals in
### CITY OF MODESTO
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FINAL STATEMENT OF REVENUES AND EXPENDITURES
1994-95

<table>
<thead>
<tr>
<th>REVENUE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entitlement (94-95)</td>
<td>$2,133,000</td>
</tr>
<tr>
<td>Estimated Carryover</td>
<td>420,000</td>
</tr>
<tr>
<td>Estimated Program Income (93-94)</td>
<td>420,000</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE AVAILABLE:</strong></td>
<td>$2,973,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROGRAMS AND PROJECTS:</strong></td>
</tr>
</tbody>
</table>

**HOUSING SERVICES**
- Housing Rehabilitation Loan Program $647,542
- Emergency Home Repair Program 200,000
- Relocation Services 35,000
- Paint and Insulation Rebate Program 25,000
- Neighborhood Clean-Up Program 15,000
- Tool Bank Program 10,000
- Housing Demolition 5,000
- Rehabilitation Loan - Community Integrated Employment Development Services 35,000
- Rehabilitation Grant - City of Modesto, Fire Department 4,155

**HANDICAP BARRIER REMOVAL PROGRAM**
- Modesto Independent Living Center $15,000
- Restroom Facilities Renovation 120,000
- ADA Improvements 20,000
- City-wide Curb Cut Improvements 10,000

**PUBLIC IMPROVEMENTS**
- Mellis Park Playground Renovation Project $111,825
- Target Area Neighborhood Street Improvements 407,545

**SMALL BUSINESS LOAN PROGRAM** $175,000

**PUBLIC SERVICES** $208,125

Program Project Costs $667,609

**ADMINISTRATION AND PLANNING**
- Fair Housing Services $27,000
- Program Administration 218,419

Total Administration and Planning $245,419

**TOTAL EXPENDITURES** $2,967,220

**CONTINGENCY RESERVE** $5,780
Development Block Grant Program (Section 570.206(e)). This includes indirect program costs as stated per the City’s cost allocation plan.

### II. CONFORMANCE WITH NATIONAL OBJECTIVES

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activities to Benefit Lower Income</td>
<td>$2,578,585</td>
<td>87%</td>
</tr>
<tr>
<td>Elimination of Slum or Blight</td>
<td>$1,456,912</td>
<td>49%</td>
</tr>
<tr>
<td>Public Services</td>
<td>$208,125</td>
<td>8%</td>
</tr>
<tr>
<td>Planning and Administration</td>
<td>$245,419</td>
<td>10%</td>
</tr>
</tbody>
</table>

HUD regulations require that at least 70% of CDBG funds be spent on activities that benefit low and moderate income persons. The administrative costs are limited to a maximum of 20% of the grant plus the program income.

Due to regulations some activities identified are counted as both low and moderate income benefit and the elimination of slum and blight. As a result the total percentages will exceed 100%.
MODESTO CITY COUNCIL
RESOLUTION NO. 94-264

A RESOLUTION OF THE CITY OF MODESTO DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS.

WHEREAS, the City of Modesto (the "Issuer") is a municipal corporation, a public body, corporate and politic, duly created, established and authorized to transact business and exercise its powers, all under and pursuant to the Charter of the City of Modesto, State of California, and

WHEREAS, the Issuer has paid, beginning no earlier than March 11, 1994, which date is no more than sixty (60) days prior to adoption of this resolution, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction and/or equipping of the Plaza Project (the "Project"), as more fully described in Exhibit A attached hereto, and

WHEREAS, the City Council of the Issuer (the "Council") has determined that those moneys previously advanced no more than sixty (60) days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Obligations"),
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto as follows:

Section 1. The Council hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after March 11, 1994, which date is no more than sixty (60) days prior to adoption of this resolution, and which date is no more than sixty (60) days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is ten million dollars ($10,000,000.00).

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse
an Expenditure, no later than eighteen (18) months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

Section 5. This resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
Exhibit A

Description of the Plaza Project

The Plaza Project is a mixed-use development proposed for development in downtown Modesto. It is to be located between 9th, 11th, J and K Streets, immediately south of the Red Lion Hotel and Modesto Centre Plaza.

The project has several major components, beginning with one or more office buildings. One office building is envisioned as a 5 story structure with roughly 163,000 square feet of office space. This building is to be home to Modesto City Schools and the Stanislaus County Office of Education. It is also possible that additional office space could be built into the project depending upon market demand.

A second major component of the project is entertainment uses, including a multi-screen cinema complex. Other possible entertainment uses are also being explored.

A third major component is retail space. Current plans include roughly 73,000 square feet of retail space. Some of the retail space is freestanding, some located within the same buildings as the office space and the cinemas.

The fourth component of the project is parking. A major parking structure is contemplated to serve all the uses in the project.
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE ANNEXATION OF THE UNINCORPORATED AREA OF THE BRET HARTE NEIGHBORHOOD INTO THE MUNICIPAL SEWER DISTRICT.

WHEREAS, on December 29, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the annexation of the unincorporated area of the Bret Harte Neighborhood into the Municipal Sewer District might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC
including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-266

A RESOLUTION DETERMINING THAT THE PUBLIC
INTEREST AND CONVENIENCE REQUIRE THAT AN AREA
BE ANNEXED TO THE MODESTO MUNICIPAL SEWER
DISTRICT NO. 1; SETTING FORTH A GENERAL
DESCRIPTION OF THE AREA PROPOSED TO BE
ANNEXED TO THE DISTRICT; AND NAMING A TIME
AND PLACE FOR HEARING ON THE ANNEXATION OF
SAID TERRITORY TO SAID DISTRICT AND PROVIDING
FOR NOTICE THEREOF. (BRET HARTE NO. 1 SEWER
ANNEXATION - OUTSIDE CITY LIMITS)

WHEREAS, on January 19, 1988, the City Council adopted
Resolution Nos. 88-57 and 88-58 requesting that the Local Agency
Formation Commission defer the Bret Harte Reorganization until
such time as the matter of tax negotiations between the City of
Modesto and the County of Stanislaus have been resolved, and

WHEREAS, in June, 1990, the City Council authorized
City staff to negotiate an agreement with the County of
Stanislaus to meet their needs, as well as address City
development and sewer requirements, and

WHEREAS, the State of California has committed to the
Stanislaus County Redevelopment Agency funds to construct a
positive sanitary sewage collection system in the unincorporated
neighborhood of Bret Harte, and

WHEREAS, a condition of that commitment by the State is
to require connection and annexation to the adjacent municipal
sewer system, and
WHEREAS, on July 20, 1993, the City Council adopted Resolution No. 93-437 which approved an interagency agreement between the Stanislaus County Redevelopment Agency and the City of Modesto for the construction of sanitary sewer facilities in the Bret Harte neighborhood, said agreement dated July 20, 1993, has not yet been implemented, and

WHEREAS, at its meeting of May 10, 1994, the Council of the City of Modesto considered the proposed Bret Harte Sewer Annexation to the City of Modesto Municipal Sewer District, which area located outside the City limits would remain in Stanislaus County, and

WHEREAS, by motion, the Council submitted the proposal to the Board of Supervisors of the County of Stanislaus, State of California, and

WHEREAS, by Resolution No. 94-273, dated March 15, 1994, the Board of Supervisors of the County of Stanislaus, State of California, pursuant to Section 4641 of the Health and Safety Code, approved the annexation of approximately 545 acres located adjacent to the City of Modesto in the unincorporated territory south of Hatch Road west of Crows Landing Road, to the Municipal Sewer District, and

WHEREAS, the inclusion of the area, which area is located outside the City limits, contained in Bret Harte No. 1 Sewer Annexation to the Modesto Municipal Sewer District No. 1 of
the City of Modesto, is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area known as Bret Harte No. 1 Sewer Annexation (herein called the area proposed to be annexed) should be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 5 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 239.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. June 28, 1994, at the hour of 4:00 p.m., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of Modesto of objections by any person interested in the annexation of the
territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed.

At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would, in the judgment of the Council, be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited.

Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 239.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)
weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City of Modesto. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

(1) Corner of Seattle Street & Butte Avenue
(2) Corner of Gutherie Street & Inyo Avenue
(3) Corner of Glenn Avenue & Ustick Road

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown
on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the Office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing an no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 239, shall be taken pursuant to the Law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By

Planning and Community Development Department
"EXHIBIT A"

All that portion of Section 7, 8, and 9, Township 4 South, Range 9
East, Mount Diablo Meridian, County of Stanislaus, State of California,
described as follows:

BEGINNING at the southeast corner of said Section 7; thence North
89°50' West 1481.04 feet on the south line of said Section 7 to the westerly
line of 44-foot wide Yuma Avenue; thence North 0°13' East on said westerly
line 173.67 feet; thence South 89°50' East on the northerly line of a
20-foot wide alley in Block 9712 of the Fairview Tract 710.52 feet to the
westerly line of 60-foot wide Tucson Avenue; thence North 0°13' East on said
westerly line 105.76 feet; thence North 89°50' West on the northerly line of a
20-foot wide alley in Block 9741 of the Fairview Tract 105.52 feet to the
westerly line of said 44-foot wide Yuma Avenue; thence North 0°13' East on
said westerly line 228.63 feet to the southerly line of T.I.D. Lateral No. 1
right-of-way; thence North 41°26' East on said right-of-way 449.51
feet; thence North 63°30' East 131.04 feet; thence South 89°30' East 1057.62
feet; thence North 0°13' East 10.41 feet; thence South 89°10' East 1372.85
feet; thence North 0°26' East 50.00 feet; thence leaving said southerly line
of Lateral No. 1 South 89°10' East 1265.98 feet along the northerly line of
the Rutherford Tract and the centerline at Glenn Avenue to the centerline of
Las Vegas Street; thence North 0°09' East on said centerline 1871.75 feet to
the southerly line of T.I.D. Lateral No. 1 right-of-way; thence on said
southerly line South 44°04' West 305.25 feet; thence South 35°20' West
121.56 feet; thence North 0°26' East 793.88 along the west line of the Rio
Grande Colony and its southerly extension to the centerline of Hatch Road;
thence North 71°14'42" East on said centerline 794.04 feet to the beginning
of a curve concave to the south having a radius of 1000.00 feet and
a central angle of 8°07'59"; thence Northeast on the arc of said curve
141.95 feet to the existing City of Modesto city limit line; thence South
0°26' West on said city limit line 100.36 feet; thence South 43°13'08" East
40.00 feet to the northwesterly line of T.I.D. Lateral No. 1; thence South
0°14'14" West on the northerly extension of and the west line of Gold
Vineyard Estates 448.95 feet to the northerly line of Amador Avenue; thence
South 88°53' East on said northerly line 959.56 feet; thence North 0°13°06" West
on the westerly line of the 20-foot wide alley in Block 9008 of the
South Modesto Acres Tract No. 3 a distance of 515.00 feet to the northerly
line of Alpine Avenue; thence South 89°09' East on said northerly line and
its easterly extension 1054.00 feet to the easterly line of said Section 8;
thence South 0°02' West on said section line 3083.96 feet; thence following
the Crows Landing Road annexation North 89°14" West on centerline of
Imperial Avenue 203.37 feet; thence North 74°24' West 92.58 feet; thence
South 0°02' West 267.70 feet; thence North 89°20' West 367.85 feet; thence
North 0°02' East 100.00 feet; thence North 89°20' West 1367.20 feet; thence
South 0°13', West 660.00 feet; thence leaving said annexation North 89°20'
West 1290.80 feet on the southerly line of the Rutherford Tract to the
westerly line of Guthrie Street; thence North 0°13' East on said westerly line 140 feet; thence North 89°20' West on the southerly line of Lassen Avenue 1024.67 feet to the easterly line of Rutherford Street; thence South 0°13' West on said easterly line 140 feet; thence North 89°20' West on the southerly line of a 20-foot wide alley in Block 9806 of the Rutherford Tract 952.40 feet to the easterly line of said Section 7; thence South 0°13' West on said easterly line 1329.41 feet to the point of beginning.
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Police Lieutenant
Budget Analyst

The revised specifications for the classification of Police Lieutenant (Range 616), as shown on the attached Exhibit "A", and Budget Analyst (Range 428), as shown on the attached Exhibit "F", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Finance Data Processing Manager
Customer Services Division Manager
Accounting Division Manager
Financial/Investment Officer
Senior Budget Analyst
Stores Manager

The revised specifications for the classification of Finance Data Processing Manager (Range 442), as shown on the attached Exhibit "B", Customer Services Division Manager (Range 445), as shown on the attached Exhibit "C", Accounting Division Manager (Range 445), as shown on the attached Exhibit "D", Financial/Investment Officer (Range 435), as shown on the attached Exhibit "E", Senior Budget Analyst (Range 431), as shown on the attached Exhibit "G", and Stores Manager (Range 426), as shown on the attached Exhibit "H", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Data Processing Manager
Finance Division Manager
Financial Analyst
Assistant Budget Analyst
Warehouse Supervisor
Principal Accountant

SECTION 3. EFFECTIVE DATE. This resolution shall
become effective on and after May 10, 1994.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 10th
day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Dobbs, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Mcclanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NОРRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
DEFINITION

To perform responsible management, supervisory and technical police work in serving as Watch Commander or Area Commander over patrol or in supervising sections or units in Support Services Division, and Investigations Services Division, and the Stanislaus Drug Enforcement Agency; and to provide responsible staff support to the department.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from higher level supervisory and management staff.

Exercises direct and indirect supervision over sworn and nonsworn personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend goals and objectives; assist in the development of, and implement policies and procedures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Review the work of subordinates to ensure compliance with departmental policies and procedures; participate and lead staff meetings to review Department services, procedures and activities.

Plan, coordinate and supervise the activities of the Field Operations Division on an assigned shift; serve as Watch Commander or commander of an area of community policing; conduct the studies and analyses as necessary; make procedural recommendations; prepare reports.

Plan, coordinate and supervise the Traffic Enforcement activities; schedule assigned shifts, beats and assignments; supervise and direct traffic accident investigation, parking control, abandoned vehicle abatement, crossing guard and reserve officer activities; provide support to the City Traffic Commission and Code Enforcement Committee.

Supervise and direct the operations and activities of an area of command (community policing); personally conduct internal affairs investigations; compile and maintain operational statistical records and prepare related reports.

Exhibit "A"
EXAMPLES OF DUTIES (continued)

Assume immediate command of police activities in the event of an emergency.

Serve on special assignment with the Hostage Emergency Reaction Team, Fire Arms Committee, FTO Program and various training programs.

Prepare, review and coordinate performance evaluations for subordinate personnel; conduct internal investigation of citizen and officer complaints as assigned.

Review, correct and participate in the preparation of police reports and records.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for additional staff and equipment; monitor and control expenditures.

Assist in developing and conducting training programs on the various phases of police activities.

Respond to citizen complaints and requests for information; prepare press releases and confer with the media in matters related to assigned activities.

Serve in the absence of a Police Captain or the Police Chief as assigned.

Perform related work as required.

QUALIFICATIONS

Knowledge of:

Modern police practices, techniques and methods.

Principles and practices of organization and personnel management.
QUALIFICATIONS (continued)

Knowledge of:

Pertinent Federal, State and local laws and ordinances, particularly with reference to apprehension, arrest, search and seizure, evidence and records maintenance and traffic control.

Modern office procedures, methods and computer equipment.

Departmental rules and regulations.

Bookkeeping and record keeping methods and procedures.

Modern investigative methods.

Principles and techniques of budget development and administration.

Functions and objectives of Federal, State and other local law enforcement agencies.

Ability to:

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Effectively plan, direct, supervise and coordinate the work of assigned personnel.

Properly interpret and make decisions in accordance with laws, regulations and policies.

Recommend improvements in operations and in the rules, regulations, and policies governing assigned area of responsibility.

Analyze situations quickly and objectively, and determine proper course of action.

Obtain information through interviews and interrogation.

Meet and deal with the public tactfully and effectively.
QUALIFICATIONS (continued)

Ability to:

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate assigned staff.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years combined law enforcement experience as a Police Sergeant/Corporal.

Training:

Equivalent to an Associate of Arts degree from an accredited college or university with major course work in police science, law enforcement, criminal justice or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a P.O.S.T. Intermediate and Supervisory Certificate.
FINANCE DATA PROCESSING MANAGER

DEFINITION

To manage, direct and coordinate the activities of data processing services to the various City departments; to coordinate data processing activities with other divisions and departments; and to provide highly complex staff assistance to the Finance Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend goals and objectives; assist in the development of, and implement policies and procedures.

Direct, oversee and participate in the development of the data processing work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Develop and implement a comprehensive data management program including systems development, testing, documentation, systems analysis, computer operations and technical support.

Prepare the Division's budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Provide staff assistance to all departments; meet with directors regarding ongoing or planned projects; analyze department requirements for data processing services.

Exhibit "B"
EXAMPLES OF DUTIES (continued)

Coordinate Division activities with those of other departments and outside agencies and organizations; prepare and present staff and technical reports; conduct feasibility studies; evaluate the City's long-range data processing needs.

Conduct systems analysis and design for new projects or system revisions.

Compile information on computer utilization, cost and charges; prepare reports and maintain records.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Computerized data processing systems, including machine capabilities and applications potential.

Alternative work process and administrative systems, including both manual and computerized systems.

Principles and practices of data processing equipment and peripherals.

Data management program development.

Programming languages and available software packages.

Budgeting procedures and techniques.

Research techniques, methods and procedures.

Principles and practices of supervision, training and personnel management.

Ability to:

Accurately evaluate and prioritize hardware and software requests.

Recommend purchase of equipment, services and supplies.

Analyze complex administrative and data systems, identify problems, and develop logical conclusions and effective solutions.

Coordinate, direct and supervise systems analysis, design, and programming.

Prepare work plans and time estimates for projects and proposed systems.
QUALIFICATIONS (Continued)

Ability to:

- Develop and recommend cost-effective technical system improvements.
- Analyze, interpret and report research finding.
- Coordinate data processing activities with other City departments, divisions and sections.
- Prepare and administer a budget.
- Supervise, train and evaluate assigned staff.
- Assist other City staff in identifying data processing needs.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience as a programmer/analyst or systems analyst, involving system development, including one year of supervisory or lead responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in computer science, systems analysis, business administration or related field.
CUSTOMER SERVICES DIVISION MANAGER

DEFINITION

To plan, coordinate and administer the Customer Services Division of the Finance Department including utilities, collections, cashiering, and licensing; to develop information and present recommendations to the Finance Director; to act as Finance Director in his/her absence.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, coordinate and administer the Customer Services Division operations; prepare and coordinate completed staff work in the areas of utilities, collections, cashiering, licensing and auditing.

Prepare a variety of technical reports requiring research, analysis and interpretation.

Recommend goals and objectives; assist in the development of policies and procedures.

Direct, oversee and participate in the development of the Division work plan; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Oversee revenue collection activities within the Utility, Collections, Cashiering and Licensing Sections.

Exhibit "C"
EXAMPLES OF DUTIES (Continued)

Coordinate assigned activities with other City divisions, departments, outside agencies and members of the community.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of organization, administration and personnel management.

Principles and practices of budget preparation and administration.

Principles of supervision, training and performance evaluation.

Pertinent Federal, State and local laws, codes and regulations.

Public or private utility company theory, principles and practices, and their application to a wide variety of transactions and problems.

Principles and procedures of Finance Department operations, including the establishment of policy.

Ability to:

Organize, direct and implement a comprehensive finance program.

Interpret and apply Federal, State and local policies, procedures, laws and regulations.

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

Understand and apply legal requirements and administrative policies.

Interpret and analyze fiscal data and draw logical conclusions.

Provide fiscal interpretation of data to management.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.
EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**Experience:**

Six years of increasingly responsible experience in business administration or customer service preferably with a public or private utility company including three years of administrative and supervisory responsibility.

**Training:**

Bachelor's degree from an accredited college or university with major course work in accounting, business administration, economics, finance or a related field.
ACCOUNTING DIVISION MANAGER

DEFINITION

To plan, coordinate and administer the Accounting Division of the Finance Department including general and cash accounting, payroll, grants, accounts payable, systems, fixed assets, and revenue collection; to develop information and present recommendations to the Finance Director; to act as Finance Director in his/her absence.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, coordinate and administer the Accounting Division operations; prepare and coordinate completed staff work in the areas of accounting, grants, fixed assets, payroll, and revenues.

Prepare a variety of technical reports requiring research, analysis and interpretation.

Recommend goals and objectives; assist in the development of policies and procedures.

Direct, oversee and participate in the development of the Division work plan; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Develop and implement accounting, finance and data processing systems and procedures.

Supervise the preparation of grants, accounting reports and related work.

Coordinate assigned activities with other City divisions, departments, outside agencies and members of the community.

Perform related duties as assigned.

Exhibit "D"
QUALIFICATIONS

Knowledge of:

Principles and practices of organization, administration and personnel management.

Principles and practices of budget preparation and administration.

Principles of supervision, training and performance evaluation.

Pertinent Federal, State and local laws, codes and regulations.

Accounting theory, principles and practices, and their application to a wide variety of accounting transactions and issues.

Principles and procedures of Finance Department operations, including the establishment of policy.

Ability to:

Organize, direct and implement a comprehensive accounting program.

Interpret and apply Federal, State and local policies, procedures, laws and regulations.

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

Understand and apply legal requirements and administrative policies to accounting functions.

Interpret and analyze fiscal data and draw logical conclusions.

Provide fiscal interpretation of data to management.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.
EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**Experience:**

Five years of increasingly responsible experience in professional accounting, including two years of administrative and supervisory responsibility.

**Training:**

Bachelor's degree from an accredited college or university with major course work in accounting, business administration, economics, finance or a related field.
FINANCIAL/INVESTMENT OFFICER

DEFINITION

To perform responsible technical and analytical work; to perform complex financial analyses; to perform activities related to the receipt, custody and investment of City funds; and to provide highly responsible staff support to the Finance Director.

DISTINGUISHING CHARACTERISTICS

This is a single position class in the Finance Department. The incumbent exercises considerable latitude and discretion in performing highly technical and complex analyses.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

May exercise supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to:

- Perform complex revenue and other financial analysis studies used in financial and budgetary planning.
- Provide revenue projections; investigate and recommend additional sources of funding.
- Compile, organize and analyze data on new and existing programs; perform complex statistical analysis, conduct surveys and prepare proposals, including financial policy and procedure requirements.
- Investigate, interpret, analyze and prepare recommendations related to improvements of budgetary and accounting information systems.
- Coordinate a variety of projects both within the department and City and with outside agencies or institutions.
- Represent the Finance Director before Council and at interdepartmental, community and professional meetings.
- Confer with members of the public to explain financial policies and programs and to respond to complaints and requests for information.
- Oversee the daily administration of City investments, related cash flow analysis and management of relationships with financial institutions.
- Assist with the coordination and implementation of bond financings.
- Perform related duties as assigned.

Exhibit "E"
QUALIFICATIONS

Knowledge of:

Governmental securities and investment instruments, banking operations and accounting procedures related to the management of cash and investments.

Advanced principles, methods and practices of municipal finance, budgeting, and accounting.

Federal, state and local laws, regulations and policies governing the financial administration of city government.

Principles and practices of organization and public administration.

Statistical methods.

Technical report writing procedures and methods of graphic presentation.

Ability to:

Adhere to prudent investment guidelines of safety, liquidity and yield when selecting and negotiating investments.

Analyze problems, identify options, project consequences of proposed actions and recommend changes in policies and procedures.

Interpret and apply complex rules, regulations and policies.

Collect, compile, analyze and interpret statistical and financial data.

Prepare and present a variety of financial and budgetary reports and analyses.

Work with and control sensitive, confidential information.

Develop, install and utilize management information systems.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.
Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**Experience:**

Three years of increasingly responsible experience in financial and budgetary analysis, including at least one year of experience comparable to that of Senior Budget Analyst in the City of Modesto.

**Training:**

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public administration, business administration or a related field. A Master's degree is desirable.
BUDGET ANALYST

DEFINITION

To assist in formulating the City's annual operating and multi-year capital improvement budgets; to evaluate revenue and expenditure position on a continuing basis to determine validity of original estimates and to assure budget actions are proceeding according to plan; to assist in staff reports concerning budget status; and to insure that City Council actions relating to the budget are properly documented.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Budget Officer.

Exercises technical supervision over staff in other departments regarding budget procedures.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Assist in the review and update the City's budget manual and supplemental procedures.

Prepare communication and distribute budget preparation materials to departments; insure the timely submission of all source information and review input for completeness and accuracy.

Schedule budget preparation tasks to meet established deadlines; coordinate budget-related matters with department and provide training and guidance when necessary.

Assist with the preparation of worksheets, schedules and exhibits comprising the formal budget documents; assist with revenue and expenditure estimates.

Assist in the evaluation of the budget during the execution phase; identify variances requiring corrective action.

Assist in the preparation of staff reports concerning budget status; prepare other special analyses as required.

Verify availability of funds to finance intended departmental and Council actions; research and evaluate potential revenue sources.

Update computerized budget ledger according to approved authorizations.

Exhibit "F"
EXAMPLES OF DUTIES (Continued)

Maintain files on Capital Improvement Project requests; assist with revenue estimate to finance proposed projects; prepare end of fiscal year Capital Project carryover analysis.

Coordinate the printing, publication and distribution of the final budget document.

Establish contact with local organizations concerning requests for City financial assistance in conjunction with the budget process; verify that the organizations have met all City policy requirements including timely submission and income/expense statement information; prepare report for Council consideration of requested funds; advise organization of Council action and the requirements for release of approved funds.

Assist in the preparation of the mid-year budget report to the Council.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of budget preparation and administration.

Pertinent Federal, State and local laws, codes and regulations.

Principles of supervision and training.

Principles and practices of accounting in a municipal government.

Technical report writing styles.

Basis statistical techniques.

Modern office procedures, methods and computer equipment.

Ability to:

Assist the Budget Officer in the preparation of operating and capital improvement budgets.
QUALIFICATIONS (Continued)

Ability to:

Conduct feasibility studies, analyze and review fiscal data in order to develop forecasts, trends and analysis.

Estimate and project revenues and expenditures.

Prepare completed staff work for oral and written presentations.

Work and control sensitive, confidential information on assignments.

Supervise and train others in budgeting procedures.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience

One year of responsible budget preparation or analysis experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university. Major course work in business administration, public administration, or a closely related field is desirable.
SENIOR BUDGET ANALYST

DEFINITION

To assist in formulating the City's annual operating and multi-year capital improvement budgets; to evaluate all phases of the budget progress during execution phase; to analyze cost, revenue, and relevant economic data; and to recommend improvements to budget systems and procedures.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Budget Officer.

May exercise direct supervision over technical and clerical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Review and update the City's budget manual and supplemental procedures; originate communication and distribute budget preparation materials to departments; ensure the timely submission of all source information and review input for completeness and accuracy.

Coordinate budget related matters with departments and provide training and guidance when necessary.

Prepare enterprise fund and internal service fund budgets.

Calculate cost and revenue forecasts; maintain statistical and economic data influencing estimates; prepare worksheets, schedules, and exhibits comprising the formal budget documents.

Evaluate the budget during the execution phase; identify variances requiring corrective action.

Prepare staff reports and special analyses as required.

Verify availability of funds to finance intended departmental Council actions; research and evaluate potential revenue sources.

Evaluate operation and activities of assigned responsibilities; recommend improvements and modification; prepare various reports on operations and activities; develop and test new budget techniques and concepts.

Participate in the selection of staff; provide or coordinate staff training; may serve as leadworker over other professional staff.

Act in the absence of the Budget Officer.

Exhibit "G"
EXAMPLES OF DUTIES (Continued)

Serve as liaison with the accounting division to insure that internal controls are maintained and that the budget is prepared in accordance with generally accepted accounting principles.

Conduct special projects in the budget area at the direction of the Budget Officer or Finance Director; assume full responsibility for completion of such projects which may require extensive work with other departments or outside organizations.

Insure that staff work is complete for all budget related items placed on the Council agenda.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration, and personnel management.

Pertinent Federal, State, and local laws, codes, and regulations.

Principles of supervision, training, and performance evaluation.

Principles and practices of accounting in a municipal government.

Technical report writing styles.

Basic statistical techniques.

Modern office procedures, methods, and computer equipment.

Ability to:

Assist in the preparation of operating and capital improvement budgets.

Conduct feasibility studies, analyze and review fiscal data in order to develop forecasts, trends, and analyses.

Estimate and project revenues and expenditures.

Prepare completed staff work for oral and written presentations.
QUALIFICATIONS (Continued)

Knowledge of:

Work and control sensitive, confidential information on assignments.

Supervise, train, and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of responsible budget preparation or analysis experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration or a related field.
STORES MANAGER

DEFINITION

To plan, organize and manage Central Stores and material support operations within the Finance Department; and to perform a variety of technical tasks relative to assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Purchasing Officer.

Exercises direct supervision over all technical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for storeroom operations; implement policies and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in central stores activities.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Maintain the Central Stores stock control system; oversee the preparation for and conduct the Central Stores annual inventory; conduct informal inventories of all Central Stores items throughout the year.

Prepare and award formal and informal written bids.

Receive, tag and store surplus material in preparation for surplus auction.

Review all issue and receiving documents for accuracy.

Compute after sales tax totals for each individual item per invoice.

Purchase all Central Stores items in inventory and operating materials and supplies.

Perform related duties as assigned.

Exhibit "H"
QUALIFICATIONS

Knowledge of:

Principles of supervision, training and performance evaluation.

Principles and procedures of record keeping.

English usage, spelling, grammar and punctuation.

Basic mathematical principles.

Central Stores inventory system.

Purchasing methods and procedures.

Budgeting procedures and techniques.

Inventory control procedures.

Ability to:

Supervise, train and evaluate assigned staff.

Prepare clear and concise reports.

Maintain accurate records and controls.

Make rapid and accurate arithmetical calculations and use modern office equipment.

Use a word processor at a speed necessary for successful job performance.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate effectively, both orally and in writing.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

Equivalent to the completion of the twelfth grade. Additional specialized training in warehouse methods, purchasing or a related field is desirable.
Experience:

Five years increasingly responsible experience in warehousing, inventory or stock control work, including two years of administrative and supervisory responsibility.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.
Personnel Resolution re: Salary Schedule and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved - Police Dept.
1 - Finance
6
MODESTO CITY COUNCIL
RESOLUTION NO. 94-268

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 TO AMEND THE CLASS RANGE TABLE TO ADD FINANCE DATA PROCESSING MANAGER, CUSTOMER SERVICES DIVISION MANAGER, ACCOUNTING DIVISION MANAGER, FINANCIAL/INVESTMENT OFFICER, BUDGET ANALYST, SENIOR BUDGET ANALYST AND STORES MANAGER.

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been previously amended by Resolution Nos. 92-62, 92-592, 92-632, 93-39, 93-127, 93-620, 93-688, and 94-170, and

WHEREAS, the City Council desires to further amend Exhibit "G" of Resolution No. 91-464,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464.

Exhibit "G" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled, "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective May 10, 1994", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adopts class specifications which reflect title changes for positions which include Finance Data Processing Manager at Range 442, Customer Services Division Manager at Range 445, Accounting Division Manager at Range 445, Financial/Investment Officer at...
Range 435, Budget Analyst at Range 428, Senior Budget Analyst at Range 431, and Stores Manager at Range 426.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 10, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
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<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
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<td>Administrative Clerk II (Confidential)</td>
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<td>411</td>
<td>Microfilm Services Supervisor</td>
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<td>Senior Personnel Clerk</td>
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<td>Custodian Supervisor</td>
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<td>420</td>
<td>Worker's Compensation Claims Examiner</td>
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<td>Employee Benefits Coordinator</td>
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<td>Legal Services Technician</td>
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<td>Deputy City Clerk</td>
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<td></td>
<td>Executive Secretary</td>
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<td>Customer Services Supervisor</td>
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Exhibit "G"
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<td>422</td>
<td>Office Supervisor</td>
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<tr>
<td>423</td>
<td>Systems Analyst</td>
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</table>
| 424   | Assistant Planner  
Asst. City Clerk/Auditor |
| 425   | Police Records Supervisor  
Administrative Analyst I  
Executive Assistant  
Legal Services Supervisor |
| 426   | Stores Manager  
Museum Supervisor |
| 427   | Events Supervisor |
| 428   | Parks Maintenance Supervisor I  
Airport Maintenance Supervisor  
Trees Maintenance Supervisor I  
Equipment Maintenance Supervisor I  
Social Services Coordinator  
Buyer  
Accountant II  
Budget Analyst  
Public Works Supervisor I  
Building Maintenance Supervisor  
Customer Services Specialist |
| 429   |       |
| 430   | Associate Planner  
Parks Construction Supervisor I  
Junior Civil Engineer  
Junior Traffic Engineer  
Neighborhood Preservation Supervisor |
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective May 10, 1994

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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| 431   | Administrative Analyst II  
|       | Affirmative Action Officer  
|       | Personnel Analyst  
|       | Training Coordinator  
|       | Assistant Risk Manager  
|       | Recycling Program Coordinator  
|       | Senior Budget Analyst |
| 432   | Plant Mechanic Supervisor  
|       | Recreation Supervisor II  
|       | Historical Buildings Supervisor  
|       | Senior Accountant  
|       | Youth Program Supervisor  
|       | Industrial Waste Supervisor |
| 433   | Assistant Civil Engineer  
|       | Laboratory Supervisor  
|       | Assistant Traffic Engineer |
| 434   | Senior Programmer Analyst  
|       | Electrical Supervisor  
|       | Assistant Equipment Maint. Supt.  
|       | Engineering Systems Manager  
|       | Sr. Housing Rehab. Specialist  
|       | Public Works Supervisor II  
|       | Secondary Treatment Site Supv.  
|       | Parks Maintenance Supervisor II  
|       | Operations Supervisor  
|       | Landscape Designer  
|       | Arborist  
|       | Trees Maintenance Supv. II  
|       | Land Surveyor  
<p>|       | Equipment Maintenance Supervisor II |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Management Analyst  
Deputy City Attorney I  
Senior Personnel Analyst  
Public Information Officer  
Budget Officer  
Financial/Investment Officer  
Administrative Services Officer  
Integrated Waste Specialist  
Project Manager |
| 436   | Senior Planner  
Parks Construction Supervisor II |
| 437   | Property Agent |
| 438   | Equipment Maintenance Supt.  
Asst. Water Quality Control Supt.  
Transportation Planner  
Housing Program Supervisor |
| 439   | Deputy City Attorney II  
Associate Civil Engineer  
Associate Traffic Engineer |
| 440   | Purchasing Officer |
| 441   | Community Development Program Manager  
Sr. Deputy City Attorney I  
Airport Manager  
Solid Waste Program Manager  
Transit Manager  
Streets Maintenance Supt.  
Parks Superintendent  
Risk Manager  
Assistant Personnel Director  
Recreation Superintendent  
Golf Superintendent  
Fleet Manager  
Wastewater Collections Superintendent  
Water Superintendent  
Building Maintenance Superintendent |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 442   | Supv. Building Inspector  
Finance Data Processing Manager  
Supv. Construction Inspector  
Manager of Budget and Financial Analysis |
| 443   | Deputy Chief Bldg. Official |
| 444   | Water Quality Control Supt.  
Principal Planner |
| 445   | Customer Services Division Manager  
Accounting Division Manager |
| 446   | Senior Civil Engineer  
Traffic Engineer |
| 447   | Chief Building Official  
Assistant to City Manager  
Asst. Parks & Recreation Dir. - Civic Center  
Asst. Parks & Recreation Dir. - Parks  
Asst. Parks & Recreation Dir. - Recreation |
| 448   | Sr. Deputy City Attorney II |
| 449   |  |
| 450   | Deputy Director Public Works - Engineering  
Deputy Director Public Works - Operations  
Deputy Director Public Works - Transportation |
| 451   |  |
| 452   | Assistant City Attorney |
MODESTO CITY COUNCIL
RESOLUTION NO. 94-269

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRIGHT DEVELOPMENT FOR THE ACQUISITION OF A 0.31 ACRE PUBLIC UTILITY EASEMENT NEEDED FOR THE EXTENSION OF A WATERLINE OUT OF YOSEMITE BOULEVARD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bright Development for the acquisition of a 0.31± acre public utility easement needed for the extension of a waterline out of Yosemite Boulevard be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NARRINE COYLE, City Clerk
A RESOLUTION APPROVING A CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF MODESTO AND UNION PACIFIC TO CONSTRUCT TRACK CONNECTIONS AT LATHROP AND SOUTH MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the construction and maintenance agreement between the City of Modesto and be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-271

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. CARNABUCCI, dba NIBBLES, AND NANCY J. LOFANO FOR AIRPORT SNACK BAR EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Charles J. Carnabucci, dba Nibbles, and Nancy J. Lofano for Airport snack bar equipment be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-272

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ARC OF STANISLAUS COUNTY TO OPERATE THE TERMINAL SNACK BAR/FOOD CONCESSION AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and ARC of Stanislaus County to operate the terminal snack bar/food concession at the Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-273

A RESOLUTION ACCEPTING RIGHT OF ENTRY TO SYLVAN UNION SCHOOL DISTRICT TO PERFORM GEOTECHNICAL TESTS ON THE MERLE NEIGHBORHOOD SCHOOL/PARK SITE

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Right of Entry to Sylvan Union School District to perform geotechnical tests on the Merle Neighborhood School/Park site be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the Right of Entry from Sylvan Union School District to perform geotechnical tests on the Merle Neighborhood School/Park site by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-274

A RESOLUTION COMMENDING THE MODESTO POLICE RESERVES FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves contribute numerous hours each year to the City of Modesto by assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, there are approximately forty-one (41) officers in the organization, private citizens from all walks of life, who devote many hours of their own time to the Modesto Police Department, apart from their employment or business, without receiving any pay whatsoever, and

WHEREAS, the Modesto Police Reserves work constantly with the Modesto Police Department, performing whatever duties may be requested in the way of enforcing laws, searching for missing persons, apprehending escaped convicts, aiding during times of disaster, and helping with various community activities taking place in the City, and

WHEREAS, during the year 1993, the Police Reserves served a total of nineteen thousand one hundred forty-three (19,143) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Reserves is hereby commended for contributing many
hours of service in the organization which so greatly contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the officers who devoted many personal hours of service to the Modesto Police Reserves during the year 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORME COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-275

A RESOLUTION COMMENDING THE MODESTO POLICE VOLUNTEERS FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Volunteers contribute numerous hours each year to the City of Modesto by assisting the Police Department in providing hours of service to its citizens, and

WHEREAS, there are approximately forty-five (45) volunteers of the organization, private citizens from all walks of life, who devote many hours of their own time to the Modesto Police Department, apart from their employment or business, without receiving any pay whatsoever, and

WHEREAS, the Modesto Police Volunteers work constantly with the Modesto Police Department, performing whatever duties may be requested in all the divisions of the Police Department, and

WHEREAS, during the year 1993, the Modesto Police Volunteers served a total of 3,118 hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Volunteers is hereby commended for contributing many hours of service in the organization which so greatly contributes to the reduction of costs for enhancement of services rendered to the citizens of our community.
BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the volunteers who devoted many personal hours of service to the Modesto Police Department and citizens of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES:  Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By, MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-276

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO AUTHORIZE THE TRANSFER OF STOCK OWNERSHIP IN BERTOLOTTI DISPOSAL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that MAY 24, 1994, at 4:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for the transfer of stock ownership in Bertolotti Disposal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-277

A RESOLUTION ADOPTING AMENDMENTS TO THE
STANDARD SPECIFICATIONS OF THE CITY OF
MODESTO.

WHEREAS, Section 4-4.801 of the Modesto Municipal Code
provides for the adoption by the City Council of "Standard
Specifications of the City of Modesto" said Standard
Specifications to be prepared by the Public Works and
Transportation Department and recommended by the Planning
Commission, and

WHEREAS, the Public Works and Transportation
Department, Engineering Division has recommended amendments,
which include additions, deletions, or revisions to the Standard
Specifications, which are contained in the document titled
"1993-94 Proposed Revisions, Standard Specifications of the City
of Modesto", and

WHEREAS, the proposed amendments are to accomplish
correcting grammatical errors, clarifying existing text and
drawings, updating to including the current editions of
standards, tests and materials already required by the standards,
and, adding policies and procedures which have already been
established by the Public Works and Transportation Department,
and

WHEREAS, the proposed amendments were considered by the
Construction Industry Liaison Committee and notices of an
informal public hearing by the Planning Commission to considered
the proposed amendments were sent to the Building Industry Association, Board of Realtors, Stanislaus County Public Works, and local developers, engineers, and utility companies, and

WHEREAS, an informal public hearing to consider the proposed amendments was held by the Planning Commission on April 18, 1994, and

WHEREAS, the Planning Commission, by Resolution No. 94-21, adopted on April 18, 1994, recommended to the City Council the adoption of amendments to the Standard Specifications of the City of Modesto as incorporated in the document titled "1993-94 Proposed Revisions, Standard Specifications of the City of Modesto", copies of which are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, and

WHEREAS, said proposed amendments to the Standard Specifications of the City of Modesto, as prepared by the Public Works and Transportation Director and recommended by the Planning Commission, were considered by the City Council at its regular meeting on May 10, 1994, at which time the Council determined that the proposed amendments to the Standard Specifications of the City of Modesto, as recommended by the Planning Commission, should be adopted as the Standard Specifications of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain amendments
to the "Standard Specifications of the City of Modesto, 1993-94, copies of which amendments are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, are hereby adopted as amendments to the Standard Specifications of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___10th___ day of ___May___, 1994, by Councilmember ___Friedman___, who moved its adoption, which motion being duly seconded by Councilmember ___Dobbs___, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ___Norrine Coyle___, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ___Michael D. Milich___, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-278

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE
STANISLAUS DRUG ENFORCEMENT AGENCY (SDEA) FOR LEASE OF PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
the agreement between the City of Modesto and the Stanislaus Drug
Enforcement Agency (SDEA) for lease of property be, and it is hereby
approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 10th day of May, 1994, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
       Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
         NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-279

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS DRUG ENFORCEMENT AGENCY (SDEA) FOR THE PURCHASE OF REAL PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus Drug Enforcement Agency (SDEA) be and is hereby approved, and the Council hereby accepts said property.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 94-280  

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF BILL SEAVY FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE MAY 10, 1994

WHEREAS, Bill Seavy was appointed a member of the International Friendship Committee on March 3, 1992; and

WHEREAS, Bill Seavy has tendered his resignation from the International Friendship Committee, effective May 10, 1994; and

WHEREAS, Bill Seavy has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Bill Seavy from the International Friendship Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Bill Seavy for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ___________  
NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION No. 94-281

A RESOLUTION APPROVING THE CONVEYANCE OF CITY
OWNED PROPERTY TO THE REDEVELOPMENT AGENCY OF
THE CITY OF MODESTO (APN'S 105-41-13 AND
105-41-14).

WHEREAS, the City of Modesto owns APN's 105-41-13 and
105-41-14 in Block 56 of the City of Modesto, and

WHEREAS, said property was acquired for a public
parking lot, and

WHEREAS, the Council of the City of Modesto has agreed
to convey the parking lot to the Redevelopment Agency of the City
of Modesto, and

WHEREAS, the Redevelopment Agency is prepared to enter
into a Development and Disposition Agreement (DDA) with McDonalds
Corporation for the development of a restaurant involving a
portion of the property, and

WHEREAS, in order for the Redevelopment Agency to carry
out the terms of the DDA, title to said property should vest in
the Redevelopment Agency of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby approves the conveyance of title
of APN's 105-41-13 and 105-41-14 in Block 56 of the City of
Modesto to the Redevelopment Agency of the City of Modesto, in
order for the Redevelopment Agency to enter into a DDA.
BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute a grant deed conveying the above described property from the City of Modesto to the Redevelopment Agency of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-282

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO AND MCDONALD'S CORPORATION, DOING BUSINESS AS DELAWARE MCDONALD'S CORPORATION, AND RELATED DOCUMENTS.

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Amended Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project"), and

WHEREAS, the Agency has received a proposed Disposition and Development Agreement (the "DDA") from McDonald's Corporation, doing business as Delaware McDonald's Corporation, a Delaware corporation (the "Developer"), providing for the sale of certain real property (the "Site") located within the City of Modesto to the Developer for the development of a restaurant, and associated parking and landscaping, trash enclosures and restorative work on an adjacent parking lot, and

WHEREAS, the Site is currently owned by the City and will be conveyed to the Agency for purposes of disposition to the Developer pursuant to the DDA, in accordance with the approvals set forth in Agency Resolution No. 6-94 and Council Resolution No. 94-281, and the Site will not be acquired by the Agency, either directly or indirectly, with tax increment monies, and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.)
provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law, and

WHEREAS, notice of a joint public hearing by the City Council of the City of Modesto (the "City") and the Agency were published in the Modesto Bee on May 3, and May 10, 1994, and

WHEREAS, the City Council and the Agency held a joint public hearing on May 17, 1994, in the City Council Chambers to consider and act on the disposition and development of the Site pursuant to the DDA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council hereby finds and determines that the sale of the Site to the Developer, and development of the Site pursuant to the DDA, will assist in the elimination of blight within the redevelopment project area. This finding is based upon the fact that the Site is an underutilized parcel within the Modesto Redevelopment Project Area, which is currently developed with a surface public parking lot. The Site is being sold to the Developer for purposes of development of a restaurant, with associated parking and landscaping, trash enclosures and restorative work on the adjacent public parking lot, pursuant to the DDA and in accordance with and in implementation of the Redevelopment Plan. Development of the proposed improvements on the Site will assist the Agency in achieving the stated objectives under the
Redevelopment Plan through the redevelopment of a currently underutilized parcel within the Redevelopment Project Area, expansion of retail and commercial uses within the Redevelopment Project Area, increased property and sales tax revenue within the Redevelopment Project Area, and expansion of employment opportunities through the creation of temporary construction employment and permanent employment positions resulting from the management and operation of the restaurant facilities.

SECTION 2. The City Council hereby finds and determines that the consideration for the Site to be paid by the Developer is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the DDA. This finding is based upon the fact that the purchase price to be paid by the Developer pursuant to the DDA was determined based upon the estimated value of the property to be sold, at its highest and best use, less the estimated value of the extra work not directly associated with construction of the improvements on the Site, which extra work is required to be performed by the Developer in accordance with the DDA. The estimated value of the property to be sold was determined based upon independent, third-party appraisals of the Site obtained by the Agency and Developer.

SECTION 3. The City Council finds and determines that the project, including the development of the Site, is covered by a Final Environmental Impact Report for the Amended Redevelopment Plan for the Modesto Redevelopment Project (SCH # 90021233)
("EIR") certified with findings by Agency Resolution No. 27-91 and City Council Resolution No. 91-673 on November 5, 1991, for which a Notice of Determination was filed November 20, 1991, and that the Project incorporates all applicable mitigation measures identified in said Resolution Nos. 27-91 and 91-673 to reduce environmental impacts to less than a significant level. The City Council further finds and determines, based on an initial study, that the project is within the scope of the Amended Redevelopment Plan for the Modesto Redevelopment Project and the EIR adequately describes the project for purposes of CEQA, that no substantial changes are proposed in the Project that will require major or important revisions of the EIR due to the involvement of new significant environmental impacts not considered in the EIR, that no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major or important revisions in the EIR due to the involvement of new significant environmental impacts not considered in the EIR, that no new information which was not known or could not have been known at the time the EIR was certified has become available, and that no additional environmental documentation is required for the Project.

SECTION 4. The City Council hereby approves the DDA in substantially the form on file with the Secretary of the Agency and further approves and authorizes the sale of the Site to the Developer.
SECTION 5. The Agency is hereby authorized to execute the DDA on behalf of the Agency, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel. The Agency is further authorized to execute a Reciprocal Easement Agreement ("REA") and Entry Agreement in conformance with and pursuant to the terms and provisions of the DDA, in substantially the form currently on file with the Agency Secretary, subject to any changes or modifications as may be approved by the Agency Counsel that are consistent with the terms and provisions of the DDA, and to take such further actions and execute such documents as are necessary to carry out the DDA, the REA and the Entry Agreement on behalf of the Agency.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-283

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF GAC ADSORBER SYSTEM AT WELLS NO. 14 AND 40

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the installation of GAC Adsorber System at Wells No. 14 and 40, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 2, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, CITY CLERK
RESOLUTION NO. 94-284

A RESOLUTION APPROVING A BORROW RELEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO REMOVE MATERIAL AND DEEPEN THE CROWS LANDING DRAINAGE BASIN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Borrow Release agreement between the City of Modesto and Stanislaus County to remove material and deepen the Crows Landing Drainage Basin be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:     Councilmembers:  Coddill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES:     Councilmembers:  None

ABSENT:   Councilmembers:  Patterson

ATTEST:   

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS TO UPGRADE THE ENCINA AVENUE STORM DRAIN LINE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications to upgrade the Encina Avenue storm drain line, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 16, 1994, at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE RECONSTRUCTION OF H AND I STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the reconstruction of H and I Streets, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 16, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
THE CLAUS ROAD WIDENING

BE IT HEREBY RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. The specifications for the Claus Road widening, copies
of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public
competitive sealed bids for the above named project, to be opened in the
office of the City Clerk, 801 11th Street, in the City of Modesto, on
June 16, 1994, at 11:05 a.m., the City Clerk is hereby directed to give
notice inviting such sealed bids in the time, form, and manner provided
by law.

SECTION 3. After the bids are opened, they shall be tabulated and
analyzed and a report submitted to the Council at its next regular
meeting.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 17th day of May,
1994, by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Dobbs , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
      Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION NO. 94-288

A RESOLUTION ACCEPTING THE BID OF C.E. GREEN CORPORATION FOR REMOVING AND REPLACING FUEL TANKS AT THE WASTEWATER TREATMENT FACILITY

WHEREAS, Resolution No. 94-165, adopted by the Council of the City of Modesto on March 22, 1994, approved the plans and specifications for removing and replacing fuel tanks at the Wastewater Treatment Facility and authorized the calling for bids; and

WHEREAS, the bids received for removing and replacing fuel tanks at the Wastewater Treatment Facility were opened at 11:00 a.m. on April 21, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of C.E. Green Corporation in the amount of $40,601 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of C.E. Green Corporation in the amount of $40,601 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $7,000 TO COMPLETE REMOVING AND REPLACING FUEL TANKS AT THE WASTEWATER TREATMENT FACILITY

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Bar Screen Replacement
(621 480 D304 6040) $7,000

TO: Fuel Pumps at Wastewater Trtmt. Plant (621 480 C882 6040) $7,000

The original project was under-budgeted to include an additional fuel tank. The supplemental funds are needed to complete the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-290

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND REX KLEIN FOR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rex Klein for rehabilitating his property at 429 Yosemite Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND HARLEY SANDERS FOR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Harley Sanders for rehabilitating his property at 1018 Tuolumne Boulevard, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MODESTO OBJECTING TO THE SALE OF CERTAIN
REAL PROPERTY BY THE STANISLAUS COUNTY TAX COLLECTOR
AND AUTHORIZING SUBMITTAL TO THE STANISLAUS COUNTY
BOARD OF SUPERVISORS OF AN AGREEMENT FOR THE
PURCHASE OF SAID REAL PROPERTY

WHEREAS, pursuant to Section 3791.3 of the Revenue and Taxation Code, whenever property has been tax defaulted for five years or more, the state, county, any revenue district the taxes of which on the property are collected by county officers, or a redevelopment agency, may purchase the property pursuant to the provisions of Chapter 8 of Part 6 of Division 1 of the Revenue and Taxation Code (Section 3771 et seq.); and

WHEREAS, that certain real property described in Exhibit A, attached hereto and incorporated herein by this reference (the “Property”), has been tax defaulted for five years or more and the Stanislaus County Tax Collector proposes to sell the Property by public auction pursuant to the provisions of Chapter 7 of Part 6 of Division 1 of the Revenue and Taxation Code (Section 3691 et seq.); and

WHEREAS, pursuant to Section 3695 of said Chapter 7, a taxing agency which is also a revenue district may object to a Chapter 7 sale and cause the withdrawal of the property from a scheduled Chapter 7 sale if, before the date of sale, the taxing agency files a written objection to the Chapter 7 sale with the tax collector and the board of supervisors, and the written objection is accompanied by an executed agreement under Chapter 8 to purchase the property at a price not less than the minimum bid; and

WHEREAS, the City of Modesto (the “City”) desires to object to the sale and acquire the Property pursuant to its authority under Chapters 7 and 8;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby authorizes the filing of a written objection to the sale of the Property with the Stanislaus County Board of Supervisors and the Stanislaus County Tax Collector for the purpose of causing the withdrawal of the Property from the Chapter 7 sale and permitting the City to purchase the Property pursuant to its authority under Section 3791.3 of the Revenue and Taxation Code.
Section 2. The City Council hereby authorizes the preparation and filing of an agreement to purchase the Property, in conformance with the requirements of Chapter 8, at the minimum price approved by the Stanislaus County Board of Supervisors pursuant to Section 3699 of the Revenue and Taxation Code, said agreement to be filed with the Stanislaus County Board of Supervisors and the Stanislaus County Tax Collector concurrently with the filing of the written objection described in Section 1 hereof.

Section 3. The City Manager is hereby authorized and directed to take all necessary steps and execute any documents required to carry out the purposes of this resolution.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 17th day of May, 1994, by Council Member Friedman, who moved its adoption, which motion being duly seconded by Council Member Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Council Members: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Council Members: None
ABSENT: Council Members: Patterson
ABSTAIN: Council Members: None

Attest: _______________________
City Clerk

APPROVED AS TO FORM:

By: _______________________
Special Counsel
to the City of Modesto
EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All that certain real property situate in the County of Stanislaus, State of California, described as follows:

LOTS 17 AND 18 IN BLOCK 67 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON DECEMBER 21, 1942, IN VOLUME 15 OF MAPS.

APN: 2-173/105-37-04-530
MODESTO CITY COUNCIL
RESOLUTION NO. 94-293

A RESOLUTION APPOINTING TODD BROWNING TO THE HUMAN RELATIONS COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Human Relations Commission for the respective term as indicated:

Todd Browning
3207 Suffolk
Ceres, Ca. 95307
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994 by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

Boards and Commissions  NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-294

A RESOLUTION APPOINTING DANIEL GIANNI TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Citizens Advisory Committee on Recycling for the respective term as indicated:

Daniel Gianni
3709 Regency Park Dr.
Modesto, Ca. 95355
Term to expire 1/1/98

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Advisory Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1994 by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

Boards and Commissions

ATTEST: __________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 94-295

A RESOLUTION CONSENTING TO A CHANGE IN STOCK OWNERSHIP OF THE BERTOLOTTI DISPOSAL, INC., DBA BERTOLOTTI DISPOSAL SERVICE.

WHEREAS, Ordinance No. 2829-C.S., grants a license to Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, to collect garbage, industrial garbage, and salvageable waste, including recyclable materials, in the City of Modesto, and

WHEREAS, Section 5-5.30 of the Modesto Municipal Code provides that no stock in a company which has a license from the City of Modesto for the collection of garbage and industrial garbage may be transferred without the prior written consent of the City Council granted after a public hearing thereon, and

WHEREAS, Bert Bertolotti, the current president of Bertolotti Disposal, has requested a transfer of stock in the company as one of the previous stockholders, Rudy Bonzi, is now deceased and Mr. Bertolotti has arranged to purchase Mr. Bonzi's holdings from his estate, and

WHEREAS, the requested change in stock ownership in Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, is for authorization to transfer stock ownership in Bertolotti Disposal from Bert and Delories Bertolotti (50%), Mary Bonzi (25%), and the estate of Rudy Bonzi (25%) to Bert and Delories Bertolotti (75%) and Mary Bonzi (25%), and
WHEREAS, a duly noticed public hearing was held by the Council on May 24, 1994, at 4:00 p.m., at which hearing the requested change for the stock transfer in stock ownership in Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, as set forth above was considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby gives consent for a change in the present stock ownership of Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, from Bert and Delories Bertolotti (50%), Mary Bonzi (25%), and the estate of Rudy Bonzi (25%) to Bert and Delories Bertolotti (75%) and Mary Bonzi (25%).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-296

A RESOLUTION REVISING SEWER SERVICE CHARGES AND RESCINDING RESOLUTION NO. 93-396.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, effective August 1, 1991, by Ordinance No. 2776-C.S., the City Council approved the establishment of the Storm Drainage Surcharge, to support storm drainage operations, street sweeping, and to respond to Federal regulations requiring the City to obtain a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit. This action included a senior and disabled citizen discount, and a reduction in the rate for schools, and

WHEREAS, said ordinance provided that the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged and the method of collecting the surface water runoff sewer surcharge for properties outside the boundaries of the city limits for those properties which discharge into the City's storm drain system, and

WHEREAS, on February 18, 1992, by Resolution No. 92-85, the Council established adjustments in sewer storm drainage surcharges for lots with no curbs and gutters, and
WHEREAS, on February 25, 1992, by Resolution No. 92-100, the City Council addressed equitability questions and made certain adjustments in this revenue program for multi-family residential and non-curb customers, and

WHEREAS, further equitability issues have arisen which can be resolved by establishment of a mixed use land use designation for sewer surcharges, and

WHEREAS, on July 6, 1993, the City Council has considered establishment of such a designation, and

WHEREAS, as a recipient of State Grant Funds, the City of Modesto is required to develop a service area and a sewer revenue program in compliance with requirements and guidelines established by the State Water Resources Control Board. Said State requirements are developed to comply with Section 204(b)(1) of the Clean Water Act, Federal and State regulations and policies of the Water Resources Control Board, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural": shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.
2. "Commercial": shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel": shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex": shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government": shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital": shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial": shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential": shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<table>
<thead>
<tr>
<th>Density Category</th>
<th>Property Sq. Ft. Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>0-1000</td>
</tr>
<tr>
<td>Medium</td>
<td>1001-3500</td>
</tr>
</tbody>
</table>
9. "Multi-family Senior Mobile Home": shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit": shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations": shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.

12. "Parcel": shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.

13. "Parks": shall include all developed parcels operated as a park by a public agency.

14. "Parks/Cemeteries": shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

15. "Schools": shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Single-Family Residential": shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.

17. "Transportation/Utilities": shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads,
suburban transit, power, water and other utilities.

18. "Undeveloped": shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE. Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

- Each single-family dwelling or mobile home on a lot $10.54
- Each dwelling unit in a duplex 8.23
- One additional dwelling unit or mobile home on a lot 8.23
- Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park 6.78

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE. Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:
(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

<table>
<thead>
<tr>
<th>Group</th>
<th>Per 1000 Gals. of Water Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>$1.74</td>
</tr>
<tr>
<td>Created B.O.D. and S.S. measured in mg/l is 400mg/l or less</td>
<td></td>
</tr>
<tr>
<td>Group 2</td>
<td>2.02</td>
</tr>
<tr>
<td>Created B.O.D. and S.S. measured in mg/l is in the range of 401mg/l to 900mg/l</td>
<td></td>
</tr>
<tr>
<td>Group 3</td>
<td>2.46</td>
</tr>
<tr>
<td>Created B.O.D. and S.S. measured in mg/l is in the range of 901mg/l to 1400mg/l</td>
<td></td>
</tr>
<tr>
<td>Group 4</td>
<td>2.96</td>
</tr>
<tr>
<td>Created B.O.D. and S.S. measured in mg/l is over 1401mg/l</td>
<td></td>
</tr>
</tbody>
</table>

(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:
Group 1 $21.89  
Group 2 25.22  
Group 3 30.92  
Group 4 37.10

(d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 55/100ths ($1.55) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and
(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE. Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the rate of $712.04 per million gallons of total flow.

(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $84.21 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.
(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $77.52 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only. Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.

(e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot
(1 dwelling unit only) $3.59
Each dwelling unit in a duplex 2.49
One additional dwelling unit or mobile home on a lot 2.49
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park 2.49
Billing Fee 0.39

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:
Intensity of Land Use Development Factor (IDF)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Development Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>0.25</td>
</tr>
<tr>
<td>Duplex</td>
<td>0.50</td>
</tr>
<tr>
<td>Multi-Family High</td>
<td>0.95</td>
</tr>
<tr>
<td>Multi-Family Medium</td>
<td>0.80</td>
</tr>
<tr>
<td>Multi-Family Low</td>
<td>0.40</td>
</tr>
<tr>
<td>Multi-Family Very Low</td>
<td>0.25</td>
</tr>
<tr>
<td>Multi-Family Senior Mobile Home</td>
<td>0.31</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.95</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.75</td>
</tr>
<tr>
<td>Transportation/Utilities</td>
<td>0.40</td>
</tr>
<tr>
<td>Schools</td>
<td>0.25</td>
</tr>
<tr>
<td>Non-Profit Organizations</td>
<td>0.40</td>
</tr>
<tr>
<td>Government</td>
<td>0.70</td>
</tr>
<tr>
<td>Hospitals</td>
<td>0.50</td>
</tr>
<tr>
<td>Parks/Cemeteries</td>
<td>0.10</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0.08</td>
</tr>
<tr>
<td>Undeveloped</td>
<td>0.00</td>
</tr>
</tbody>
</table>

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:
<table>
<thead>
<tr>
<th>ARN</th>
<th>Square Footage of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-3,500 SF</td>
</tr>
<tr>
<td>2</td>
<td>3,501-7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001-10,500</td>
</tr>
<tr>
<td>4</td>
<td>10,501-14,000</td>
</tr>
<tr>
<td>5</td>
<td>14,001-17,500</td>
</tr>
<tr>
<td>6</td>
<td>17,501-21,000</td>
</tr>
<tr>
<td>7</td>
<td>Increments of 3500 SF</td>
</tr>
<tr>
<td>etc.</td>
<td></td>
</tr>
</tbody>
</table>

(c) Single-Family Residential charges shall be as follows:

<table>
<thead>
<tr>
<th>Square Footage of Property</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3500 SF</td>
<td>$1.57</td>
</tr>
<tr>
<td>3501-7000 SF</td>
<td>3.08</td>
</tr>
<tr>
<td>7000 + SF</td>
<td>4.62</td>
</tr>
</tbody>
</table>

(d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of $6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.92.

(g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.

(h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters.
That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective July 1, 1994.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 93-396.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City

Clerk
(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 94-297

A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR SPECIFIC PLAN AMENDMENT NO. 4 TO THE VILLAGE ONE SPECIFIC PLAN, MAKING FINDINGS, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND REPEALING THE MITIGATION MONITORING PLAN THAT WAS ADOPTED WITH THE 1990 PROGRAM EIR BY RESOLUTION NO. 90-757, AND REPLACING IT WITH THE ADOPTION OF THE MITIGATION MONITORING POLICIES WITHIN THE REVISED VILLAGE ONE SPECIFIC PLAN TEXT.

WHEREAS, Section 15168 of the California Environmental Quality Act provides for the preparation of Program Environmental Impact Reports (EIRs) on a series of actions that can be characterized as one project, and

WHEREAS, during 1990 a Program EIR (SCH# 90020181) was prepared for the Village One Specific Plan and was circulated for public review and comments, and

WHEREAS, following a duly noticed public hearing on September 11, 1990, the City Council by Resolution No. 90-757 certified that the Program EIR was complete and adequate, and

WHEREAS, on October 16, 1990, the Village One Specific Plan was adopted by the Modesto City Council by Resolution No. 90-828A, and

WHEREAS, the City Planning staff, over a three year period, which included preparation of a Facilities Master Plan, proposed five revisions to the Specific Plan including:

1) Intensification of the Village Center Commercial Area,
2) Widening of Floyd Avenue from 3 to 5 Lanes,
3) Realignment of the Claus/Sylvan intersection,
4) Deletion of the non-potable water supply for public landscaping, which were determined to require additional environmental analysis supplemental to the 1990 Village One Program EIR, and
5) Incorporation of Mitigation Measures directly into the Specific Plan as policies,

WHEREAS, the City Planning staff created Specific Plan Amendment No. 4 (SPA No. 4) for the purpose of incorporating these revisions into the Village One Specific Plan and held a public workshop on March 2, 1994, from 3:00 to 5:00 p.m. in the Council Chambers at City Hall for discussion of the proposed amendments, and

WHEREAS, the City Planning staff prepared a Draft Supplemental EIR to the 1990 Village One Program EIR (SCH# 90020181) which analyzed these five revisions and circulated it for public review from January 21, 1994, through March 7, 1994, in accordance with Section 15087 of the CEQA Guidelines, and

WHEREAS, the Supplemental EIR included a review and analysis of all mitigation measures in the adopted 1990 EIR with the purpose of incorporating Mitigation Monitoring into the project approval process as encouraged by Public Resources Code Section 21081.6(b), and

WHEREAS, the City Planning staff created a Final Supplemental EIR with responses to comments received during the
public review period and revised the body of the draft document to incorporate these responses, in accordance with CEQA Section 15089, and

WHEREAS, the City Planning staff created a new Project EIR for Village One by incorporating by reference those portions of the 1990 Program EIR and other technical documents needed to make the Final Supplemental EIR the complete EIR for the Specific Plan as revised by Specific Plan Amendment No. 4, in accordance with CEQA Section 15150, and

WHEREAS, Section 15025(c) of the California Environmental Quality Act ("CEQA") Guidelines require the Planning Commission to review and consider the EIR before making its recommendations to the City Council on the project, and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 2, 1994, to consider making a recommendation to the City Council on the Village One Specific Plan Amendment No. 4, at which time all interested persons were heard and their testimony, both oral and written, was considered, and

WHEREAS, the Planning Commission reviewed and considered the information contained in the Final Supplemental EIR and by Planning Commission Resolution No. 94-23, adopted on May 2, 1994, the Planning Commission recommended to the City Council that the Council certify that the Final Supplemental EIR (Exhibit D of the May 2, 1994, Staff Report, on file in the
office of the City Clerk) which includes the response to comments and incorporation of information from the 1990 Program EIR is complete and adequate and has been completed in compliance with CEQA, and

WHEREAS, the Planning Commission further recommended that the City Council adopt the findings, required by Section 15091(a)(1) of the CEQA Guidelines, that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final Supplemental EIR, and

WHEREAS, the Planning Commission further recommended that the City Council adopt the findings required by Section 15091(a)(3) of the CEQA Guidelines that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final Supplemental EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the information contained in the Final Supplemental EIR and hereby certifies that the Village One Final Supplemental EIR (Exhibit D of the May 2, 1994, Staff Report, on file in the office of the City Clerk) which includes the response to comments and incorporation of information from the 1990 Program EIR is adequate and has been completed in compliance with CEQA.
SECTION 2. That the City Council hereby adopts the findings (attached hereto as Exhibit "A" and incorporated herein by reference) required by Section 15091(a)(1) of the CEQA Guidelines, that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final Supplemental EIR, which is on file in the Office of the City Clerk.

SECTION 3. That the City Council hereby adopts the findings (attached hereto as Exhibit "B" and incorporated herein by reference) required by Section 15091(a)(3) of the CEQA Guidelines that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final Supplemental EIR, which is on file in the Office of the City Clerk.

SECTION 4. That the City Council repeals the Mitigation Monitoring Plan that was adopted with the 1990 Program EIR which is set forth in Resolution No. 90-757.

SECTION 5. That the City Council by the adoption of Resolution No. 94-298 will comply with the Mitigation Monitoring requirements of Section 21081.6(b) of the Public Resources Code, through the adoption of Mitigation Measures as Policies within the revised Village One Specific Plan Text (Exhibit A of Resolution No. 94-298).
SECTION 6. The City Council hereby approves the "Final Supplement to an Environmental Impact Report" (Exhibit D of the May 2, 1994, Staff Report, on file in the office of the City Clerk), for the proposed Village One Specific Plan Amendment No. 4, and directs the Planning and Community Development Director to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination as required by Section 15094 of the CEQA Guidelines.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: __________________________
          NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________________________
          MICHAEL D. MILICH, City Attorney

Attachments:
Exhibit A - Findings of Changes or Alterations to Reduce Impacts
Exhibit B - Statement of Overriding Considerations
FINDINGS OF CHANGES OR ALTERATIONS
TO REDUCE IMPACTS

1. TRAFFIC & CIRCULATION

Briggsmore/Oakdale Intersection

The City Transportation Division’s Traffic analysis projected peak-hour traffic volumes from project buildout will exceed the capacity of the existing intersection. Because of constraints from surrounding development, improvements required to provide an acceptable level of service are not possible. This is considered a Significant and Not Mitigable Impact.

Mitigation Measure

The following measure shall be implemented. However, even with the improvements the intersection will operate at level F.

Mitigation Measure No. 1

Precise Plans in the project area shall contribute to the financing and implementation of the required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, converting the existing right turn lane to a through lane and restriping the departures to receive three through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right turn lanes to through-right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in Precise Plans in the Village One area shall constitute conformance with Section 21051.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans
must be consistent with the Specific Plan, no further monitoring is required.

Traffic Impacts to Project Area Streets and Intersections

Based on the results of the City of Modesto, Transportation Division’s traffic analysis (see the Appendix), the traffic to be generated by the Village One Specific Plan (131,050 daily trips and 13,450 peak hour trips) will impact the major streets in and serving the specific plan area. Adverse impacts on peak hour traffic conditions will occur at all of the key intersections within and around the Village One Specific Plan area. Increased Volume-to-Capacity (V/C) ratios and increased average delay per vehicle will occur, resulting in lowering of peak hour Service Levels and necessitating mitigation measures.

These impacts are considered to be Significant but Mitigable.

Mitigation Measures

Claus Road Circulation Link

Mitigation Measure No. 6

The Facilities Master Plan shall implement the requirement to provide needed capacity.

Claus Road shall be widened, from Brigsmore Avenue to Sylvan Avenue, to provide six through lanes plus turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.
Roselle Avenue Circulation Link

Mitigation Measure No. 7

The Facilities Master Plan shall implement the requirement to provide needed capacity.

Roselle Avenue shall be widened, from Briggsmore Avenue to Sylvan Avenue, to provide four through lanes plus turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan adjacent to Roselle Avenue shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Sylvan Avenue Circulation Link

Mitigation Measure No. 8

The Facilities Master Plan shall implement the requirement to provide needed capacity.

Sylvan Avenue shall be widened, from Oakdale Road to west of Claus Road, to provide four through lanes plus turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Acceptance of completed facilities by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.
Oakdale Road Circulation Link

Mitigation Measure No. 9

The Facilities Master Plan shall implement the requirement to provide needed capacity.

Oakdale Road shall be widened, from north of Briggsmore Avenue to Pelandale Avenue, to six through lanes plus turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Briggsmore Avenue Circulation Link

Mitigation Measure No. 10

The Facilities Master Plan shall implement the requirement to provide needed capacity.

Briggsmore Avenue shall be widened, from Oakdale Road to Claus Road, to provide six through lanes plus turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.
Oakdale & Sylvan Intersection

Mitigation Measure No 11

The Facilities Master Plan shall implement the requirement to provide needed capacity by requiring the following intersection improvements:

Widen the southbound approach and departure to add a right-turn lane and a second left-turn lane. Widen the northbound approach and departure to add a second left-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Oakdale & Floyd Intersection

Mitigation Measure No 12

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Widen the northbound approach and departure to provide two left-turn lanes, two through lanes, and a through-right-turn lane.
Widen the southbound approach and departure to provide two left-turn lanes, two through lanes, and a through-right-turn lane. Widen the westbound approach to provide two left-turn lanes, a through lane, and a right-turn lane. Widen the east bound approach to provide two left-turn lanes, a through lane, and a through-plus-right-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Acceptance of completed facilities by Construction.
Inspection Division shall constitute compliance with this measure.

**Mitigation Monitoring**

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

**Roselle & Sylvan Intersection**

**Mitigation Measure No. 13**

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

- Signalize. Widen all approaches and departures to provide the following: dual left-turn lanes, a through lane, and a through+right-turn lane on the northbound approach; a left turn lane, a through lane, and a through+right-turn lane on the southbound approach; a left-turn lane, two through lanes, and a right-turn lane on the eastbound and westbound approaches.

- Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Acceptance of completed facilities by Construction Inspection Division shall constitute compliance with this measure.

**Mitigation Monitoring**

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

**Roselle & Floyd Intersection**

**Mitigation Measure No. 14**

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:
Signalize. Widen all approaches and departures to provide the following:
a left-turn lane, a through lane, and a through+ right-turn lane on the northbound and southbound approaches; a left-turn lane, a through lane, and a through+ right-turn lane on the eastbound and westbound approaches.

Department of Public Works and Transportation staff shall
determine the design and phasing of these roadway improvements in
accordance with ongoing traffic studies and the Facilities Master Plan.
Acceptance of completed facilities by Construction
Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute
conformance with Section 21081.6(b) of the Public
Resources Code. Since the Facilities Master Plan and Precise Plans must be
consistent with the Specific Plan, no further monitoring is required.

Roselle & Merle Intersection

Mitigation Measure No. 15

The Facilities Master Plan shall implement the require
improvements to provide capacity for projected traffic. The
Plan shall show the following intersection improvements:

Signalize. Widen all approaches and departures to standard
major street versus collector street intersection widths and lane
configurations.

Department of Public Works and Transportation staff shall determine
the design and phasing of these roadway improvements in accordance
with ongoing traffic studies and the Facilities Master Plan. Acceptance
of completed facilities by Construction Inspection Division shall
constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute
conformance with Section 21081.6(b) of the Public Resources Code.
Since the Facilities Master Plan and Precise Plans must be consistent
with the Specific Plan, no further monitoring is required.
Roselle & Briggsmore Intersection

Mitigation Measure No. 16

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Restripe the northbound approach to provide two left-turn lanes, a through lane, and a through+right-turn lane. Widen the southbound approach to provide left-turn lanes, a through lane and a through-right-turn lane. Widen the eastbound approach and departure to provide dual left-turn lanes, three through lanes, and a right-turn lane. Widen the westbound approach and departure to provide a left-turn lane, three through lanes, and a right-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Acceptance of completed facilities by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Claus & Floyd Intersection

Mitigation Measure No. 17

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Signalize. Widen all approaches and departures to provide the following: two left-turn lanes, and three through lanes, and a right-turn lane on the northbound approach; two left-turn lanes, three through lanes, and a right-turn lane on the southbound approach; a left-turn lane, a through lane, and a right-turn lane on the planned eastbound approach. Construct the westbound approach and widen the planned westbound departure to provide
dual left-turn lanes, one through lane, and a right-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Claus & Sylvan Intersection

Mitigation Measure No. 18

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Signalize. Widen the southbound approach and departure to add a through lane and a through-right-turn lane. Widen the northbound approach and departure to add a second left-turn lane and the second and third through lanes. Widen the eastbound approach to add a right-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.
Claus & Briggsmore intersection

Mitigation Measure No. 19

The Facilities Master Plan shall implement the required improvements to provide capacity for projected traffic. The Plan shall show the following intersection improvements:

Widen the northbound approach and departure to provide two left-turn lanes, two through lanes, and a through+right-turn lane. Widen the southbound approach and departure to provide a left-turn lane, three through lanes, and a right-turn lane. Widen the eastbound approach to provide two left-turn lanes, two through lanes, and a right-turn lane. Widen the westbound approach and departure to add a through+right-turn lane.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements in accordance with ongoing traffic studies and the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

Transit Impacts

It is estimated that Phase 1 of the project would generate approximately 750 additional transit riders to Modesto's Intracity Transit system on a daily basis. The development of additional routes, to serve Village One as shown in the
Specific Plan, would be required to serve the project area. This considered a Significant but Mitigable Impact.

**Mitigation Measures**

The following mitigation measures would reduce this impact to a less-than-significant level.

**Mitigation Measure No. 20**

City transit routes shall be extended to serve the Village One specific plan area and shall be shown on the Facility Master Plan. Approval by the Public Works and Transportation Department Transit manager of designated transit routes prior to Facility Master Plan adoption shall constitute compliance with this measure.

**Mitigation Monitoring**

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the City's Capital Improvement Program must conform to the Specific Plan, no further monitoring is required.

**Findings**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The Village One Specific Plan will insure that the Capital Facilities Fees generated by Village One development, in-tract development requirements, and funds derived from assessment or Community Facilities Districts, are coordinated to achieve the needed street and infrastructure improvements.

**2. AIR QUALITY**

**Regional and Subregional Vehicle Emissions**

**Vehicle Air Pollutant Emissions (carbon monoxide, ozone, and PM 10)**

During project buildout, air pollutant emissions from project vehicle traffic will contribute to violation of the State and Federal 8-hour Carbon Monoxide and PM10 standard and the Federal Ozone Standard in the Modesto Area and the San Joaquin Valley Air Basin. This is considered a Significant and Not Mitigable Impact.
Mitigation Measures

Mitigation Measure No. 2

The following policies shall be incorporated into the Specific Plan to provide overall trip reduction. These policies shall be implemented, however they may not fully mitigate the impact:

A. Locate the Village Center at the geographic heart of the community, with direct connections to the village districts.
B. Place emphasis on pedestrian activities and linkages, and provide for the possibility of future transit along Roselle Avenue to serve the Village Center.
C. Develop a circulation network that provides a connection between the Village Center and other Village One uses.
D. Establish a network of primary transit streets to serve Village One.
E. Provide for alternative future transit systems.
F. Incorporate bikeways into the circulation system of Village One.

Planning Department staff shall verify these policies prior to adoption of a revised Specific Plan.

Mitigation Monitoring

Placing the above language into the Specific Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Mitigation Measure No. 3

Precise Plans for the Industrial/Business Park shall contain the following statement although it may not fully mitigate the impact:

"Employers located within Village One Specific Plan area will be subject to a Trip Reduction Ordinance (TRO) which will be adopted in compliance with the Stanislaus County Congestion Management Program. This TRO may require, among other things, provision of transit incentives (such as bus passes), limitations on the amount of employee parking, and promotion of ride sharing and alternative modes of transportation."

Mitigation Monitoring
Placing of the above language in the Precise Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The above mitigation measures will insure that PM10, ozone and carbon monoxide generated from vehicle emissions at buildout of the project is reduced to a minimum.

Wood burning Device Air Pollutant Emissions

Air pollutant emissions from standard fireplaces or wood stoves in the project's approximately 8,000 residential dwelling units would contribute to violations of the Pollutant Standard Index (PSI) in the Modesto area. Local residential homebuilders do not normally equip homes with fireplaces and wood stoves that would meet adopted Federal particulate emissions standards.

Mitigation Measure

Mitigation Measure No. 4.

The following measure will not fully mitigate the impact:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

Mitigation Monitoring

Placing the above language in the Specific Plan as a requirement for all residential Precise Plans shall constitute compliance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The above mitigation measure will
insure that PM10 generated from woodburning devices at buildout of the project is reduced to a minimum.

Construction Related Impacts

Local ambient air quality would be expected to temporarily decrease as a result of construction-related emissions in the Modesto Village area. In the absence of project-specific data regarding the extent and timing of construction activities, the short-term construction-related increase in emissions of PM10, NOx, ROG, and CO due to the project is considered to be a Significant but Mitigable impact.

Mitigation Measures

Mitigation Measure No. 40

Precise Plans for development within the project area shall contain the following statement:

During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.

Mitigation Monitoring

Placing the above language in each Precise Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The above mitigation measure will insure that fugitive dust and related emissions generated during the construction phase of the project is reduced to a minimum.
3. NOISE

Traffic Related Impacts

Without acoustical treatment, noise levels inside proposed residential housing along the following project area Major streets would exceed 45 dBA, the City's General Plan standard. This is considered be a Significant but Mitigable Impact.

The street segments and distances in feet from centerline these impacts would occur are:

- Sylvan Avenue
  - Oakdale to Roselle: 142 ft.
  - Roselle to Claus: 136 ft.
- Floyd
  - Oakdale to Roselle: 106 ft.
  - Roselle to Claus: 76 ft.
- Briggsmore
  - Oakdale to Roselle: 171 ft.
  - Roselle to Claus: 138 ft.
- Oakdale
  - Sylvan to Floyd: 214 ft.
  - Floyd to Briggsmore: 209 ft.
- Roselle
  - Sylvan to Merle: 126 ft.
  - Merle to Briggsmore: 150 ft.
- Claus
  - Sylvan to Floyd: 171 ft.
  - Floyd to Briggsmore: 176 ft.

Source: Brown-Buntin Associates Noise study, April 1993

Mitigation Measure

Mitigation Measure No. 21

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45 dBA, prior to final inspection by Building Inspection Division shall constitute compliance with this measure.
Mitigation Monitoring

Placing the above language in the Precise Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since Tentative Maps and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The above mitigation measures have been incorporated into the policies and design standards of the Village One Specific Plan to insure that interior noise levels remain within acceptable standards.

Construction Related Impacts

During project buildout, estimated to take 5 to 10 years, residences in or near the area would periodically experience increased construction noise levels from developers who fail to observe the City's Noise ordinance. This is considered a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 22

All Precise Plans shall contain the following statement:

"Construction noise is regulated by the City's Noise ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 AM to 9:00 PM. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise ordinance."

Mitigation Monitoring

Placing the above language on each Precise Plan for development shall constitute compliance with Section 21081.6(b) of the Public Resources Code. Since tentative maps and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.
Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The above mitigation measures have been incorporated into the policies and design standards of the Village One Specific Plan to insure that interior noise levels remain within acceptable standards.

4. VEGETATION AND WILDLIFE

Destruction and Disruption of Raptor Nests

Development of this project may result in the destruction or disruption of raptor nests on the project site. This is considered to be a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 23

The Precise Plan for the Industrial/Business Park shall contain a breeding season survey by a qualified biologist for the area identified as potential raptor habitat on Figure 34, Biological Resources Habitat Types, page 4.9-2 adopted Village One Specific Plan EIR, to determine the presence of active raptor nests.

If no active raptor nests are found, the Precise Plan shall be written to document this finding.

If active raptor nests are found, site development will avoid active raptor nests and surrounding foraging habitat during their breeding cycle. Planning Department staff approval of the above mitigation prior to Building Permit for the site constitutes compliance.

Mitigation Monitoring

Placing the above language on the appropriate Precise Plan shall constitute conformance with section 21061.6(b) of the Public Resources Code. Since Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Implementation of this mitigation
Changes or alterations were not required to be incorporated into, the project for Population, Employment and Housing impacts which were found to have a Less than Significant environmental effect as identified in the Final Supplemental EIR. These impacts would be mitigated to a Less than Significant level because of policies and procedures already in place with the City of Modesto. Population Employment and Housing Mitigation Measures proposed in the 1990 EIR were deleted because they have been accomplished.

7. URBAN DESIGN AND VISUAL QUALITY

Parking Structure Visible from Adjacent Residential Areas

Increasing the Village Center commercial floor area to 350,000 square feet would require the construction of large, elevated parking structures. These structures would increase the visual mass of the center. This is considered a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No 26

Precise Plan submittals proposing elevated parking structures in the Village Center area must conform to Village Center Design Guidelines: height limitation of 35 feet, perimeter landscaping, parking area landscaping, and street landscaping to screen structures from adjacent residential areas. Approval by the City's Landscape Architect of landscape plans to screen proposed parking structures prior to Precise Plan adoption shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Precise Plans for the Village Center shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Implementation of the design and visual quality standards of the Community Design Element will guarantee the highest design and visual quality consistent with urban uses.
8. GEOLOGY AND SOILS

Other Geological Hazards - Expansive Soils

No new Geology and Soils impacts were identified for the Village One project, as modified by the Proposed Specific Plan Amendment No. 4, by the Final Supplemental EIR.

Mitigation Measures

No Mitigation Measures are proposed.

Findings

Changes or alterations were not required to be incorporated into, the project for Geology and Soils impacts which were found to have a Less than Significant environmental effect as identified in the Final Supplemental EIR. These impacts would be mitigated to a Less than Significant level because of policies and procedures already in place with the City of Modesto. Geology and Soils Mitigation Measures proposed in the 1990 EIR were deleted because they have been accomplished.

9. HYDROLOGY

Drainage Impacts

Project development would place impervious surfaces over 40% of the total 1,775 acres increasing the stormwater surface runoff. This is considered to be a Significant But Mitigable impact.

Mitigation Measures

Mitigation Measure No 27

All Precise Plans shall provide plans for their portion of the stormwater drainage system. Department of Public Works and Transportation staff shall determine the design and phasing of these storm drainage system improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute compliance with Section 21081.6(b) of the Public Resources Code.
the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Positive drainage is a City standard for new development, which requires that storm water be safely convey stormwater away from buildings and structures.

Water Quality

Project development would create large areas of impervious surfaces that would channel toxic materials into the storm drain system. These toxic materials could affect water quality in the Modesto area when runoff is discharged. This is considered to be Significant but Mitigable Impact.

Mitigation Measure

Implementation of Mitigation Measure No. 29 would reduce this impact to a less-than-significant level.

Mitigation Measure No. 29

All Precise Plans shall provide plans for their portion of the stormwater drainage system. Department of Public Works and Transportation staff shall determine the design and phasing of these storm drainage system improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must be consistent with the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. A 30 acre stormwater retention basin is included as a part of the Village One Specific Plan and will insure that
urban runoff will treated by biological and soil percolation, and will not be polluting any streams or rivers.

Pure-Gro - Water Quality

Development of the former Pure-Gro site, 3348 Claus Road, for other Industrial/Business Park uses may require clean-up of hazardous materials that are potential groundwater contaminants. This is considered to be a Significant But Mitigable impact.

Mitigation Measure

Mitigation Measure No. 29
The Industrial/Business Park Precise Plan application for development of the former "Pure-Gro" site (3348 Clause Road) shall include, a Phase I site assessment in accordance with Federal, State and local regulations, provided by the site developer to determine the existence or extent of contamination.

Mitigation Monitoring
Placing the above language on the Precise Plan containing the former "Pure-Gro site" (3348 Clause Road) shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings
Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Should the property occupied by the Pure-Gro facility be subject to a development proposal, the above mitigation measure will insure that any on-site contamination will be addressed before development.

10. PUBLIC SERVICE AND UTILITIES

Fire Service Impacts
 Portions of Village One project area are outside the 1.5-mile radius for the nearest fire stations. This is considered to be a Significant But Mitigable Impact.
Mitigation Measures

Mitigation Measure No. 30

A two engine and one truck Fire station, staffed and equipped to serve the project area shall be constructed in the Village Center Public Safety Center in accordance with the Facilities Master Plan. Fire Department staff shall determine the design and phasing of these improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. A public safety center is planned and will be financed by the Village One Specific Plan and Financing Plan.

Police Services Impacts

The City of Modesto Police Department estimates that 41 additional Police personnel would be required to serve the project at buildout. This would be considered to be a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 31

A Police substation, staffed and equipped to serve the project area shall be constructed in the Village Center Public Safety Center in accordance with the Facilities Master Plan. Police Department staff shall determine the design and phasing of these improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.
Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. A public safety center is planned and will be financed by the Village One Specific Plan and Financing Plan.

Water Supply Impacts

The proposed project would result in an increased water demand of approximately 1,100 acre-feet per year. This would create a further reduction of the City's groundwater table and would be considered to be a Significant But Mitigable impact.

Mitigation Measures

Mitigation Measure No. 32

A water system which extends the joint Surface Water Treatment Plant/City well system shall be constructed to serve the project area in accordance with the Facilities Master Plan. Department of Public Works and Transportation staff shall determine the design and phasing of these improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure. Prior to Precise Plan adoption, the City's Landscape Architect will review Precise Plan applications for Landscape Design standards requiring xeriscape.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must conform to the Specific Plan, no further monitoring is required.
Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Implementation of City standards will insure that the water supply provided to Village One will be safe and meet health standards. Implementation of conservation mitigation measures will reduce per capita consumption water and insure that present water sources are more effectively used. While the water plan developed jointly by the City and MID, will insure future water supplies by either direct use of treated surface water supplies, or by indirect means such as groundwater augmentation with untreated surface water.

Cumulative Water Supply Impacts

Cumulative development would generate a demand for approximately 6,250 acre-feet per year. This would create a further reduction of the City's groundwater table and would be considered to be a Significant But Mitigable impact.

Mitigation Measures

Mitigation Measure No. 33

Future phases of the joint Surface Water Treatment Plants distribution system will be extended to new areas of the City through plans for development in the Urban Area. Building Inspection Division shall require metering of water service to new residential dwellings throughout the City through review of construction plans. The City's Landscape Architect will verify the Landscape Design standards requiring xeriscape. The City's Planning Department Neighborhood Preservation Unit will enforce the City's water conservation policies.

Mitigation Monitoring

Placing the above language in the Specific Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan must conform to the Specific Plan, no further monitoring is required.
Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Implementation of conservation mitigation measures will reduce per capita consumption water and insure that present water sources are more effectively used. While the water plan developed jointly by the City and MID, will insure future water supplies by either direct use of treated surface water supplies, or by indirect means such as groundwater augmentation with untreated surface water.

Wastewater Impacts

Village One wastewater flows have been conservatively estimated at 2.1 mgd or approximately four percent of the capacity of the City's wastewater treatment facility. Treatment facility capacity is 50 mgd. These flows will be a substantial addition to the City's wastewater collection, treatment, and river discharge demands, especially during winter months. This is considered to be a Significant But Mitigable impact.

Mitigation Measures

Mitigation Measure No. 34

The Lakewood and Sonoma trunk sewer lines shall be extended to serve the project area in accordance with the Facilities Master Plan. Department of Public Works and Transportation staff shall determine the design and phasing of these improvements based on the Facilities Master Plan. Completion of Final Inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21051.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Mitigation Measure No. 35

A pump station shall be located, if necessary, to serve the northerly portion of the Industrial/Business Park area east of Claus Road. The pump station shall be installed in accordance with the Facilities Master Plan. Approval of pump station plans by Public Works Department,
Engineering division prior to Final Map shall constitute conformance with this measure.

Mitigation Monitoring

Placing the above language in the Facilities Master Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since the Facilities Master Plan and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Fees collected for new development will insure that there are funds available in the future to expand the City's sewage treatment facilities.

Cumulative School Impacts

An increased population of 48,300 school children would result from cumulative development housing construction. Of this total, 30,600 would be children in grades K-6; 4,600 would be grades 7-8; and 13,100 would be high school students. This is considered to be a Significant But Mitigable impact.

Mitigation Measures

"Mitigation Measure No. 36

Financing Plans for future Villages generating students using school facilities in Village One shall require developers to contribute their fair share of the cost of Village One Facilities prior to obtaining building permits."

Mitigation Monitoring

Placing the above language in residential Specific Plans (development plans) for future villages and the City's General Plan update shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since development plans must be consistent with any adopted General Plan or Specific Plans, no further monitoring is required.
"Mitigation Measure No. 37

Developers shall notify the School Districts as far in advance as possible of specific building plans. This will allow enough lead time for the District to begin application for any relevant funding sources and to coordinate facility expansion/construction, if possible."

Mitigation Monitoring

Placing the above language in residential Specific Plans (development plans) for future villages and the City's General Plan update shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since development plans must be consistent with any adopted General Plan or Specific Plans, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. City policy requires that school facilities be financed as a part of the village planning process.
FINDINGS OF INFEASIBLE MITIGATION MEASURES AND ALTERNATIVES

1. TRAFFIC AND CIRCULATION

Briggsmore/Oakdale Intersection

The City Transportation Division's Traffic Analysis projected peak-hour traffic volumes from project build-out will exceed the capacity of the existing intersection and the intersection will be operating at a level F. This is considered to be a significant impact.

Mitigation Measures

The following measure shall be implemented. However, even with the improvements the intersection will operate at level F.

Mitigation Measure No. 1

Precise Plans in the project area shall contribute to the financing and implementation of required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

- Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, convert the existing right-turn lane to a through lane and restripe the departures to receive three through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right lanes to through-right-turn lanes.

- Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure.

Mitigation Monitoring

Placing the above language in Precise Plans in one area shall constitute conformance with Section 21081.6(b) of the Resources Code. Since the Facilities Master Plan and Precise must be consistent with the Specific Plan, further monitoring is required.

Findings

This intersection is located off-site one mile to the west of the project area in an already developed area of the City. The City has obtained improvements from properties adjacent to the intersection.
However, because constraints from surrounding existing development to the north and south of the intersection, improvements required to provide an acceptable level of service are not possible. Development within the project area will be contributing toward payment of the intersection improvements that are feasible. When approving the Village One Specific Plan Amendment No. 4, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA guidelines.

2. AIR QUALITY

Decreased Regional Air Quality

During project build-out, air pollutant emissions from project vehicle traffic will contribute to violation of the State and Federal 8-hour Carbon Monoxide and PM 10 standard and the Federal Ozone Standard in the Modesto Area and the San Joaquin Valley Air Basin, this is considered to be an impact.

Mitigation Measures

Mitigation Measure No. 2.

The following policies shall be incorporated into the Specific Plan to provide overall trip reduction. These policies shall be implemented however they may not fully mitigate the impact:

A. Locate the Village Center at the geographic heart of the community, with direct connections to the districts.

B. Place emphasis on pedestrian activities and linkages, provide for the possibility of future transit along Roselle Avenue to serve the Village Center.

C. Develop a circulation network that provides a connection between the Village Center and other Village One uses.

D. Establish a network of primary transit streets to serve Village One.

E. Provide for alternative future transit systems.

F. Incorporate bikeways into the circulation system of Village One.

G. The Planning Department staff shall verify these policies prior to adoption of a revised Specific Plan.

Mitigation Monitoring

Placing the above language into the Specific Plan shall constitute conformance with Section 21081.6(b) of the public resources.
Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Mitigation Measure No. 3

Precise Plans for the Industrial/Business Park shall contain the following statement although it may not fully mitigate the impact:

"Employers located within Village One Specific Plan area will be subject to a Trip Reduction Ordinance (TRO) which will be adopted in compliance with the Stanislaus County Congestion Management Program. This TRO may, among other things, provision of transit incentives (such as bus passes), limitations on the amount of employee parking, and promotion of ride sharing and alternative modes of Transportation."

Mitigation Monitoring

Placing of the above language in the Precise Plan shall constitute conformance with Section 21081.6(b) of the Resources Code.

Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

The Final Supplemental EIR indicates that the Village One project, as revised by Specific Plan Amendment No. 4, will have a significant impact on regional air quality that is, to some extent, unavoidable. As a pedestrian-oriented community specifically designed to reduce dependence on the automobile resulting in an estimated reduction of 20% of the average daily trips with related reductions in vehicle emissions, the proposed mitigation measure is the project's policies and design. However, the project is not completely self mitigating because some air quality degradation is unavoidable. In determining to carry out the proposed project, the City Council seeks to balance the impact on air quality with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Cumulative Air Quality Impacts

Air pollution emissions associated with build-out of Village One would exacerbate the existing ozone, PM 10, and carbon monoxide violations in the Modesto area. This is considered to be a significant cumulative impact.

Mitigation Measures
Mitigation Measure No. 3

Precise Plans for the Industrial/Business Park shall contain the following statement although it may not fully mitigate the impact:

"Employers located within Village One Specific Plan area will be subject to a Trip Reduction Ordinance (TRO) which will be adopted in compliance with the Stanislaus County Congestion Management Program. This TRO may require, among other things, provision of transit incentives (such as bus passes), limitations on the amount of employee parking, and promotion of ride sharing and alternative modes of transportation."

Mitigation Monitoring

Placing of the above language in the Precise Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Plans and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Mitigation Measure No. 4.

The following measure will not fully mitigate the impact:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

Mitigation Monitoring

Placing the above language in the Specific Plan as a requirement for all residential Precise Plans shall constitute compliance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Plans and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

The Final Supplemental EIR indicates that the Village One project, as revised by Specific Plan Amendment No. 4 will contribute to decreased air quality on a cumulative basis. Although mitigation measures have been proposed and will be implemented, it is unclear to what extent they will limit air quality impacts over time as the entire area continues to grow and develop.

3. NOISE

Traffic Noise Increases - Project Related

Without acoustical treatment, noise levels existing inside residential
housing along the following project area major streets would exceed 45 dBA, the City's General Plan standard. The street segments this impact would occur are:

Sylvan Avenue
   Oakdale to Roselle, and Roselle to Claus Avenue

Floyd Avenue
   Oakdale to Roselle, and Roselle to Claus

Briggsmore Avenue
   Oakdale to Roselle, and Roselle to Claus

Oakdale Road
   Sylvan to Floyd, and Floyd to Briggsmore

Roselle Avenue
   Sylvan to Merle, and Merle to Briggsmore

Claus Road
   Sylvan to Floyd, and Floyd to Briggsmore

This is considered to be a significant impact.

Mitigation Measures

There are no Mitigation Measures for this impact.

Findings

The Final Supplemental EIR indicates that some of the existing homes fronting on Floyd and Sylvan will experience a perceptible increase in noise as a result of increased traffic from the Village One project. Existing driveways make the installation of sound walls infeasible. Although some of the homes within the project area may be either incorporated into project development or be removed, many will remain. To this extent this impact is considered unavoidable given these conditions. It is not, however, unlike the situation that exists in many areas in the City where homes are located on busy streets. There are an estimated 87 homes located along these streets that will be affected by the increase in noise.

In deciding to carry out the proposed project, the City Council seeks to balance the impact from increased noise on relatively few homes with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Traffic Noise Increases -- Cumulative Related

Existing residences along Lakewood Drive will be exposed to high levels
of exterior noise from project build-out traffic. Due to their close proximity to the roadway, this traffic generated noise may adversely impact interior noise levels in existing residences, this is considered to be a significant cumulative impact.

Mitigation Measures

There are no mitigation measures for this impact.

Findings

The Final Supplemental EIR identifies a perceptible increase in ambient noise levels experienced by existing homes in and surrounding the Village One project as a significant impact. Mitigation measures that involve the installation of sound walls or sound barriers were proposed but are not considered feasible due to the existing driveways serving these homes. The lack of feasible mitigation measures means that these impacts are unavoidable. It should be noted that the 3 dBA increase, while perceptible, does not mean that all of these residences will be exposed to sound levels that exceed the 65 dBA exterior standard or that interior noise levels will exceed the 45 dBA noise standard. The increase in ambient noise levels that will be experienced by these residents is typical of changes in the noise environment that accompanies general urban development. At present there are only a few homes in the area that will experience the construction-related noise impacts for the entire duration of the project build-out.

In deciding to carry out the proposed project, the City Council seeks to balance the impact from an increase in ambient noise levels for existing residents with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

4. LAND USE

Loss of Farmland

Project development will result in the loss of approximately 670 acres of land designated as Prime Farmland and 588 acres of land designated as Unique on the State Important Farmlands Inventory. This loss is both direct project-related impact and a cumulative impact throughout the Central Valley of California, this is considered to be a significant impact.

Mitigation Measures

There are no mitigation measures for this impact.
Findings

The loss of 670 acres of Prime Farmland and 588 acres of land designated as Unique have been identified as unavoidable and cannot be mitigated. The City of Modesto is situated on and completely surrounded by agricultural land. There is no alternative that would completely avoid the loss of agricultural lands. However, the soils east of Modesto, in the area of Village One, are known to be less valuable for agriculture than other areas within the City's Sphere of Influence. As a result, the proposed project is environmentally superior to other locations surrounding the City that contain much better agricultural soils.

The City of Modesto has run out of land for urban development within its current boundaries. In deciding to carry out this project that will result in the unavoidable loss of agricultural soils, the City Council seeks to balance the loss of agricultural soils with the need to provide land for future growth and expansion. The additional growth is necessary to provide housing and jobs to its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Impacts on Adjacent Farmland

Residents locating in the project area may not be aware of the potential conflicts between residential activities and farming. Residents might consider normal farming practices to be a nuisance because of the dust, spray and noise close to their homes. Farmers nearby may consider activities of project area residents a nuisance because of intrusions into their farmland and occasional complaints about farming operations, this is considered to be a significant impact.

Mitigation Measure

Mitigation Measure No. 5

All Precise Plans for residential areas shall include the requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although may not fully mitigate the impact:

"All deeds for lots sold in this subdivision shall contain the following statement:

"This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading, or other customary means in accordance with applicable state and federal regulations regarding such applications. The
grantee also acknowledges the need to void activities that conflict with nearby farm uses."

Mitigation Monitoring

Placing the above language into the Specific Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all tentative maps and Precise Plans must conform to the Specific Plan, no further monitoring required."

Findings

The Final Supplemental EIR identifies potential conflicts between urbanizing uses and existing agricultural uses. The EIR concludes that although this impact cannot be fully mitigated, the residents in Village One should be made aware of the potential conflicts through the deed in the purchase of their home. The above mitigation measures will assist in reducing urban/agricultural impacts by maintaining a separation between the two categories of uses, and by informing new residents of the presence of agricultural activities.

In deciding to carry out the proposed project, the City Council seeks to balance the impact on urban/agricultural land conflicts with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Conflicts with High School/Community Park Site

The High School/Community Park site, will experience conflicts with adjacent agricultural uses until the City's Urban Reserve area surrounding it is annexed and developed.

Mitigation Measure

Mitigation Measure No 5

"Prior to development of the proposed High School/Community Park, the City of Modesto shall establish a buffer area (open space easement or similar restriction) on the site for a distance of at least 350 feet from the property line in order to protect the health of the high students and park users. Uses permitted within the buffer area shall be determined prior to the issuance of permits for construction. Requirements of this buffer area shall not conflict with Division 6 - Section 11501.1 and Division 7 of the California Food and Agricultural Code, as judged by Stanislaus County Agricultural Commissioner."

Mitigation Monitoring

Placing the above agreement in the Precise Plan shall constitute
conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

The Final Supplemental EIR identifies potential conflicts between the High School/Community Park uses and existing agricultural uses, especially agricultural spraying. The EIR concludes that although this impact cannot be fully mitigated, potential impacts could be somewhat mitigated through a 350 foot buffer area. The above mitigation measure will assist in reducing urban/agricultural impacts by maintaining a separation between the two categories of uses.

In deciding to carry out the proposed project, the City Council seeks to balance the impact on urban/agricultural land conflicts with the need to provide land for urban expansion that will provide housing and jobs for its residents. When approving the Village One project, the City Council will make a Statement of Overriding Considerations as required by Section 15093 of the CEQA Guidelines.

Alternatives to the Project

No Build Alternative

Development would be limited to large lot residential uses and farming outside the City without urban services. Some development, including the pending Galleria center, would occur under the county's jurisdiction.

Findings

The No Build Alternative would cause no dramatic changes to the current use of the site. However, incremental changes could occur if random growth takes place under county jurisdiction and as schools and other facilities expand into this area. As the project area would continue to be served by septic systems, the potential growth could adversely impact the groundwater quality of this and surrounding areas, including existing areas of the City.

The City of Modesto has run out of land for urban development within its current boundaries. Additional growth is necessary to provide housing and jobs to its residents. Planned growth with adequate roads, sewer systems, and other infrastructure, is preferable to random, haphazard growth and development. While the No Build Alternative would avoid, at least temporarily the loss of agricultural land, impacts on air quality, and increased noise levels experienced by a relatively few homes, it would prevent the City of Modesto from responding constructively to the growth pressures of the area and would result in scattered, more costly, incremental development that would have an even greater cumulative effect on farmlands, air quality and noise conditions. The No Build Alternative would also prevent the City from providing its share of
regional housing needs, and taking steps to improve the community's jobs/housing balance.

General Plan Neighborhood Zoning and Development Prototype Alternative

The Modesto Urban Area General Plan establishes a Neighborhood Zoning and Development Prototype or general standard and has been used to guide the development of each neighborhood area. The Neighborhood Prototype specifies the mix of uses and their relationship to the internal and external street system. Developed during the 1970's, with periodic adjustments, the Neighborhood Prototype relies heavily on the automobile for transportation and the automobile dominates the relationship between land use and streets.

Findings

This alternative would result in the same loss of farmlands and have greater impacts on the region's air quality. This is because the Neighborhood Zoning and Development Prototype relies almost exclusively on the automobile for transportation. Village One is seen as a means to move the community away from the automobile-based sameness that has characterized the Neighborhood Prototype. The Village One Plan is considered environmentally more sensitive, while at the same time accommodating nearly the same population as the area would have under the Neighborhood Prototype.
The California Environmental Quality Act (CEQA) requires that decision-making bodies balance the benefits of proposed projects against their unavoidable environmental effects when determining whether to approve the project. If project benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable. Section 15093 of the CEQA Guidelines requires that the specific reasons for accepting adverse environmental effects be included in a Statement of Overriding Considerations when approving a project with one or more unavoidable significant environmental effects.

The Village One Specific Plan Amendment No. 4 project, made possible by the approval of the Village One Specific Plan and Program EIR, will result in the following unavoidable significant environmental effects: loss of farm land, cumulative loss of farmland, urban/agricultural conflicts, decreased regional air quality, construction phase air quality impacts, cumulative air quality impacts, traffic related noise increases, cumulative noise increases, and construction phase noise increases. These effects are documented in the Village One Final Supplemental EIR and are found by the City Council, pursuant to Section 15091(a)(3) of the CEQA Guidelines, that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final Supplemental EIR, which is on file in the office of the City Clerk.

In approving the Village One Specific Plan Amendment No. 4, the City Council finds that the following benefits outweigh the unavoidable significant environmental effects identified in the Final Supplemental EIR:

1. Need for Additional Land to Accommodate Urban Growth

The annexation of Village One added 1,750 acres for urban growth. However, no development has taken place in Village One since Specific Plan adoption. The Village One Specific Plan area, as amended by Specific Plan Amendment No. 4, will permit continued growth and development of the community in a planned and orderly fashion.
2. Direct and Indirect Economic and Employment Benefits

The development of Village One is expected to result in 7,888 person years of construction employment, and 1,667 new non-construction jobs when secondary employment multipliers are included. Village One total employment is expected to add $29,929,300 to the local economy from wages and salaries alone, and contribute $47,109,600 to the region's economy when all forms of income are included.

3. Affordable Housing

By continuing to produce housing, Village One will help insure that Modesto's housing market is not artificially inflated by an absence of new housing. In addition, the Affordable Housing Program sets a goal of 25 percent of Village One housing that will be affordable to low and moderate income groups with 60 percent of these units to be affordable on a long-term basis. The Affordable Housing Program will utilize both public and private resources to accomplish these objectives.

4. Environmentally Superior Alternative

Village One, as revised by Specific Plan Amendment No. 4, represents an important advancement over adopted development policies that governed the past development of Modesto. In this regard, the Village One project, as revised by Specific Plan Amendment No. 4, is an environmentally superior development when compared to the Neighborhood Zoning and Development Prototype of the Modesto Urban Area General Plan because it incorporates the following principles and policies: neo-traditional/pedestrian-oriented design, potential for light rail, bicycle lanes and pedestrian trails in conjunction with the major and collector street system, landscaped medians on neighborhood connector streets and other major streets, full
range of park facilities from mini parks to a community park, a Village Center complete with shopping and public facilities (Police, Fire, Meeting Hall), and jobs/housing balance with a nearby employment center (Business Park).

The Village One Specific Plan, as revised by Specific Plan Amendment No. 4 implements desirable planning principles and policies as defined by the California Environmental Protection Agency, Air Resources Board "Optimum Land Use Strategies for Air Quality" including compact residential development, higher residential density, clustered activity centers, mixed-use development, integrated street patterns, traditional neighborhood development, and jobs/housing balance.

The Village One Specific Plan, as revised by Specific Plan Amendment No. 4, implements a desirable environmental review procedure as encouraged by the California Environmental Quality Act, Section 21081.6(b), by incorporating Mitigation Monitoring into project implementation.
measure will identify and prevent raptor nests from being disturbed during the breeding season.

Impacts to Wetlands

Development of this project may result in the net loss of wetland habitat values and acres. This is considered to be Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 24

The Precise Plan for the Industrial/Business Park area north of Milnes Road shall contain a determination of jurisdiction and/or agreement between the developers and the Corps of Engineers (COE) on appropriate mitigation, if required, for areas shown as: "drainage areas with wetland vegetation" on Figure 34, Biological Resources/Habitat Types, page 4.9-2 adopted Village One Specific Plan EIR.

Note: This is the area north of Milnes Road.

If no COE classified wetlands are identified, the Precise Plan shall be written to document this finding.

If potential wetlands are classified, then all necessary permits and approvals shall be obtained from the Corps of Engineers prior to issuance of a Grading Permit.

Mitigation Monitoring

Placing the above language on the Industrial/Business Park Precise Plan north of Milnes Road shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. Within the Village One area there are only few such locations that contain the soils and plants that could be considered "wetland" in character. These have been identified through the EIR process, no development will be allowed without the review by the COE/DFG. The appropriate permits will be required if the sites are subject to the jurisdiction of either of these agencies.
Cumulative Loss of Wildlife Habitat Values and Acres

The development of this project will contribute to the overall cumulative loss of wildlife habitat as a result of project and other future development in the region. This is considered to be a Significant But Mitigable Impact.

Mitigation Measures

Mitigation Measure No. 39

The City of Modesto will develop and implement a citywide native habitat preservation and restoration plan that will be directed at providing, in perpetuity, a variety of wildlife habitats.

The preserved and restored habitats will be of sufficient size and will be provided with an adequate buffer zone from developments. Focus will also be on providing breeding and foraging habitat, and contiguous migration and movement corridors between habitat preserves and other areas that provide wildlife habitat such as river and stream corridors.

Mitigation Monitoring

Analyzing these issues in the Draft Environmental Impact Report for the General Plan rewrite shall constitute conformance with Section 21081.6(b) of the Public Resources Code. No further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Supplemental EIR. The City will revise its Open Space and Conservation Elements to implement a wildlife preservation and restoration plan that will preserve a variety of wildlife habitats for future generations.

5. LAND USE

Impacts on Adjacent Farmland

Development of the project could have spill-over effects on adjacent farm/ranch land. This is considered to be a Significant and Not Mitigable Impact.
Mitigation Measures

Implementation of Mitigation Measures No. 5 will reduce this impact to a less-than-significant level.

Mitigation Measure No. 5

All Precise Plans for residential areas shall include the following requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although it may not fully mitigate the impact:

"All deeds for lots sold in this subdivision shall contain the following statement:

"This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading, or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses."

Mitigation Monitoring

Placing the above language into the Specific Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all tentative maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The above mitigation measure will assist in reducing urban/agricultural impacts by informing new residents of the presence of agricultural activities.

Land Use Conflicts Between Existing and New Development

Land use conflicts between new urban development and existing adjacent uses could occur. The High School/Community Park site, will experience conflicts with adjacent agricultural uses until the City’s Urban Reserve are surrounding it is developed. This is considered to be a Significant but Mitigable Impact.
Mitigation Measures

Mitigation Measure No. 25

"Prior to development of the proposed High School/Community Park, the City of Modesto shall establish a buffer area (open space easement or similar restriction) on the site for a distance of at least 350 feet from the property line in order to protect the health of the high school students and park users. Uses permitted within the buffer area shall be determined prior to the issuance of permits for construction. Requirements of this buffer area shall not conflict with Division 6 - Section 11501.1 and Division 7 of the California Food and Agricultural Code, as judged by the Stanislaus County Agricultural Commissioner."

Mitigation Monitoring

Placing the above agreement in the Precise Plan shall constitute conformance with Section 21081.6(b) of the Public Resources Code. Since all Tentative Maps and Precise Plans must conform to the Specific Plan, no further monitoring is required.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The buffer that will be acquired as a result of this mitigation measure will insure that students attending the high school and people using the community park will not be subjected to agricultural sprays and other detrimental effects associated with adjoining agricultural activities.

6. POPULATION, EMPLOYMENT AND HOUSING

Population and Employment

Additional employment would be created through the expansion of the Village Center commercial area and the Industrial/Business Park proposed by Specific Plan Amendment No. 4. This is a Less than Significant Impact.

Mitigation Measures

No Mitigation Measures are proposed.

Findings
MODESTO CITY COUNCIL
RESOLUTION NO. 94-298

A RESOLUTION ADOPTING SPECIFIC PLAN AMENDMENT
NO. 4 TO THE VILLAGE ONE SPECIFIC PLAN.

WHEREAS, Government Code Section 65450 et seq. permits
cities and counties to adopt Specific Plans for the systematic
implementation of the "General Plan and to provide for a greater
level of detail in planning sites or areas of special interest or
value", and

WHEREAS, on October 16, 1990, the City Council by
Resolution No. 90-828A adopted the Village One Specific Plan, and

WHEREAS, Government Code Section 65453 permits the
amendment of Specific Plans as often as deemed necessary by the
legislative body, and

WHEREAS, the City Council on June 18, 1991, by
Resolution No. 91-407, adopted Specific Plan Amendment No. 1 to
the Village One Specific Plan for the purpose of adoption of an
amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution
No. 92-222, adopted Specific Plan Amendment No. 2 to the Village
One Specific Plan for the purpose of improving technical
correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by
Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to
the Village One Specific Plan for the purpose of rewriting and
reorganizing the Plan to be implementation oriented, and
WHEREAS, the City Planning staff, over a three year period, which included preparation of a Facilities Master Plan, proposed five revisions to the Specific Plan including:

1) Intensification of the Village Center Commercial Area,
2) Widening of Floyd Avenue from 3 to 5 Lanes,
3) Realignment of the Claus/Sylvan intersection,
4) Deletion of the non-potable water supply for public landscaping, and
5) Incorporation of Mitigation Measures directly into the Specific Plan as policies,

WHEREAS, the City Planning staff prepared a Draft Supplemental EIR to the 1990 Village One Program EIR (SCH# 90020181) which analyzes the above revisions and in accordance with Section 15087 of the CEQA Guidelines, circulated it for public review from January 21 through March 7, 1994, and

WHEREAS, the City Planning staff created Specific Plan Amendment No. 4 (SPA No. 4) for the purpose of incorporating these revisions into the Village One Specific Plan and held a public workshop on March 2, 1994, from 3:00 to 5:00 pm in the Council Chambers at City Hall for discussion of the proposed amendments, and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 2, 1994, to receive evidence both oral and documentary regarding the proposed Specific Plan Amendment No. 4, at which time the City Planning staff presented a report on the
proposed amendment and presented corrections to the mathematical
calculations in the Precise Plan Area descriptions in the Project
Description as well as a revision to Mitigation Measure No. 14 in
the Final Supplemental EIR, which corrections were to be
incorporated into the Resolution of adoption, and

WHEREAS, after considering public comments, the
Planning Commission, by its Resolution No. 94-24, determined that
the proposed Revision No. 1, regarding the intensification of the
Village Center commercial area from 250,000 to 350,000 square
feet, should not be adopted, and

WHEREAS, the Planning Commission, by its Resolution
No. 94-24, recommended that the City Council adopt Specific Plan
Amendment No. 4 to the Village One Specific Plan and adopt a
Statement of Overriding Considerations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby finds and determines as follows:

SECTION 1. That the findings required by Section 21081
of the California Environmental Quality Act are adopted in
Resolution No. 94-297, incorporated herein by reference, and on
file in the office of the City Clerk.

SECTION 2. That the City Council has reviewed and
considered the proposed Specific Plan Amendment No. 4, attached
hereto as Exhibit "A" and incorporated herein by reference, as
recommended by the Planning Commission.
SECTION 3. That the proposed amendment to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts Specific Plan Amendment No. 4 to the Village One Specific Plan which consists of the following four revisions:

1) Widening of Floyd Avenue from 3 lanes to 5 lanes,
2) Realignment of the Claus/Sylvan intersection,
3) Deletion of the non-potable water supply for public landscaping, and
4) Incorporation of Mitigation Measures directly into the Specific Plan as policies.

BE IT FURTHER RESOLVED by the Council that the four revisions adopted above are presented in detail in Exhibit "A", attached hereto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1994, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
Exhibit "A"

Four Revisions to the Village One Specific Plan, as adopted by SPA #4:

<table>
<thead>
<tr>
<th>Revision #</th>
<th>Subject</th>
<th>Replacement Pages*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Widening of Floyd Avenue</td>
<td>A-1</td>
</tr>
<tr>
<td>2.</td>
<td>Realignment of Claus/Sylvan Interchange</td>
<td>A-6</td>
</tr>
<tr>
<td>3.</td>
<td>Deletion of Non-Potable Water Supply</td>
<td>A-28</td>
</tr>
<tr>
<td>4.</td>
<td>Incorporation of Mitigation Measures</td>
<td>A-31</td>
</tr>
</tbody>
</table>

*All replacement pages are based on the Village One Specific Plan, as amended by the City Council on February 1, 1994, by Resolution No. 94-72.
SUB-ITEM 1. FLOYD AVENUE 3 TO 5 LANES WITHIN THE VILLAGE CENTER

A. Description

This amendment would affect the design of the roadway segment of Floyd Avenue between the easterly outer loop road of the Village Center and Roselle Avenue. The Specific Plan would show the interim improvement of Floyd Avenue as three lanes then ultimately to five lanes if needed.

Interim improvements would consist of three lanes (two travel plus one turn) with wide sidewalks and bike lanes. The full 112 feet of right of way would be improved. The sidewalks would be widened to the edge of the street. This interim three-lane improvement would be allowed to operate as long as the City determines that operational and safety concerns are being met.

Ultimate improvements would be required at the point in time when the City determines that three lanes are no longer meeting operational and safety needs. The ultimate improvements of five lanes (four travel plus one turn) will be constructed to the full right of way of 112 feet. The wide sidewalks will become narrowed to 14 feet. But, since the buildings will have been set back to allow for this widening, an ample sidewalk will still be retained for pedestrians.

B. Specific Changes Required in the Specific Plan

The following pages of the present Specific Plan need to be revised to implement the proposed changes:

<table>
<thead>
<tr>
<th>Exhibit Page</th>
<th>Description</th>
<th>Specific Plan Page Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-2</td>
<td>Add text to describe Floyd Avenue through Village Center</td>
<td>Page II-10</td>
</tr>
<tr>
<td>A-3</td>
<td>Revise text to describe Floyd Avenue widening</td>
<td>Page II-29</td>
</tr>
<tr>
<td>A-4</td>
<td>Revise text to describe Floyd Avenue widening and revise text to describe minimum width of sidewalks</td>
<td>Page II-30</td>
</tr>
<tr>
<td>A-5</td>
<td>Revise Figure II-6 to show Interim and Ultimate Floyd Avenue cross-sections</td>
<td>Page II-63</td>
</tr>
</tbody>
</table>

Following are the replacement pages which would implement these changes. The shaded text is language to be added. The lined-out text is language to be deleted.
c) The expressway system shall be upgraded. The present two-lane street section on both Briggsmore Avenue and Claus Road is not adequate to meet the future needs for both project-related and cumulative through-traffic.

The complete six-lane section of the proposed Claus Expressway shall be installed between Briggsmore Expressway and Sylvan Road. Briggsmore Expressway shall be widened from a two-lane to a six-lane section (with median) between Oakdale Road and Claus Road. Right-of-way shall be reserved along the proposed Claus Expressway at the junctions with Floyd Avenue and the Briggsmore Expressway for the installation of urban interchange facilities. The intersection with Sylvan Avenue will require realignment of Claus as shown on Figure II-1 and III-2. Right-of-way lines are indicated also on Precise Plan Areas #'s 9, 10, 24, 25, 30, 34 and 35.

d) The major street system shall be completed around the periphery of the project by extending and widening the primary roadways. The present two-lane street section on Oakdale Road, Sylvan Avenue, Floyd Avenue and Roselle Avenue is not adequate to meet the future needs for both project-related and cumulative through-traffic.

e) Roselle Avenue will be widened from a two-lane to a four-lane section (with median) between Briggsmore Expressway and Sylvan Avenue. Oakdale Road will be widened from a two-lane to a six-lane section (with median) between Briggsmore Expressway and Sylvan Avenue. Floyd Avenue will be widened from a two-lane to a four-lane section (with median) between Oakdale Road and Claus Road, except for a small segment in the Village Center. Sylvan Avenue will be widened from a two-lane to a four-lane section (with median) between Oakdale Road and Claus Road.

f) Floyd Avenue through the Village Center will be constructed in two stages. The first stage will be two travel lanes, a turn lane and wide sidewalks. The second stage, to be installed when determined necessary by the City will be four travel lanes, a turn lane and narrow side-walks (see Figure II-6).

g) Improvements shall be installed to the intersections of the three major north-south and east-west streets that adjoin the Village One study area. These locations would be signalized at-grade intersections, with the exception of locations along the Claus Expressway which would initially be at-grade intersections and could ultimately be grade-separated urban interchanges.
5. **Village Center - Community Design Policies**

In addition to the Land Use policies listed above, all development within the Village Center shall incorporate the following Design Policies, as appropriate.

a) **Site Design Policies**

1. Commercial building parcels should be delineated in various sizes ranging from approximately thirty to 250-foot frontages in order to create architectural variety and a more visually interesting environment for the pedestrian.

2. Residential building parcels within the Village Center should be located outside of the designated core area. These parcels should be large enough to accommodate appropriately scaled, high-density projects. Well-landscaped pedestrian easements must be provided in mid-block locations in projects that exceed 250 feet in linear frontage, and should have an average width of at least twenty feet.

3. Setbacks to the rear of the buildings must be a minimum of four feet in order to accommodate sidewalks facing the parking lots for service and pedestrian safety.

4. Screened service courts and enclosed trash containers should be required for garbage and delivery.

5. The electrical services and other mechanical areas of buildings should be screened from view or located to minimize their visual appearance.

b) **Street Design Policies**

1. Through the Village Center, Floyd Avenue should not exceed three moving lanes, including accommodation for left and right hand turning lanes at major intersections (See Figure II-6). In order to meet the goal of retaining a pedestrian-oriented design scale relationship, provide for the circulation needs of the Village Center, and consider the potential for alternative Village Center design, final design of this road section will likely vary when the actual Precise Plan is adopted for the Village Center.

1. Through the Village Center, Floyd Avenue shall be installed as interim improvements first, then ultimate improvements when needed. The interim improvements would consist of 3 - lanes (2 travel + 1 turn) constructed with bike lanes and wide sidewalks within the 112-foot right-of-way. This interim 3-lane improvement would be allowed to operate as long as the City determines that operational and safety
2. On-street parking should be provided on both sides of the street. Along Floyd Avenue, sidewalks should be at least 15 feet in width. Overhead electrical facilities should be prohibited on Floyd between Roselle Avenue and the proposed Claus Expressway.

3. The diagonal main streets should not exceed two moving lanes. On-street parallel parking should be provided on both sides of the street. Sidewalks should be fifteen to twenty feet in width, permitting a zone of six to ten feet for cafes to spill out onto the sidewalk.

4. All Village Center streets should be designed for 48-inch box street trees with high canopies that could be planted at twenty-foot intervals. Tree species should be selected for branching at heights greater than fifteen feet, for light, feathery leafing (for visibility to storefronts) and for easier of maintenance.

5. Consistent pedestrian-scale ornamental light fixtures should be utilized along streets in the Village Center. Light fixtures should include attachments for banners and planters. Fixtures should be high-pressure sodium vapor for the best rendition of natural colors.

c) Architectural Design Policies

1. Linear frontages along the street of any one building should not exceed approximately 250 feet in order to create passageways for pedestrians between parking areas and adjacent streets. Public passageways between buildings should be a minimum of twenty feet in width and well landscaped with trees, flowers, sidewalks, and lighting.

2. All commercial buildings should have facades built right to the sidewalk, with no setbacks on the first level, in order to maintain an active and interesting edge for window shoppers, strollers and passersby.

3. Buildings at key intersections should be designed to...
INTERIM IMPROVEMENTS
3 - LANES

ULTIMATE IMPROVEMENTS
5 - LANES

FIGURE II-6
Major Street Cross Section: Floyd Avenue
Village Center Commercial District
SUB-ITEM 2. REALIGNED CLAUS/SYLVAU INTERCHANGE

A. Description

This amendment would provide for constructing a realigned interchange facility near the corner of Claus Road and Sylvan Avenue. The realignment would allow Sylvan Road to be extended to the east by providing adequate vehicle stacking distance between a future at-grade railroad crossing and the interchange. The redesigned alignment would curve to the west of the existing alignment approximately 500 feet from its existing intersection with Sylvan Avenue.

B. Specific Changes Required in the Specific Plan

The following pages of the present Specific Plan need to be revised to implement the proposed changes:

<table>
<thead>
<tr>
<th>Exhibit Page Reference</th>
<th>Description</th>
<th>Specific Plan Page Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-8</td>
<td>Add text describing Claus Road realignment</td>
<td>Page II-10</td>
</tr>
<tr>
<td>A-9</td>
<td>Revise Figure II-1 to show Claus Road realignment</td>
<td>Page II-55</td>
</tr>
<tr>
<td>A-10</td>
<td>Revise Figure III-1 to show Claus Road realignment</td>
<td>Page III-2</td>
</tr>
<tr>
<td>A-11</td>
<td>Revise Precise Plan #9 text to include Claus Road realignment</td>
<td>Page III-28</td>
</tr>
<tr>
<td>A-12</td>
<td>Revise Precise Plan #9 text to include Claus Road realignment</td>
<td>Page III-29</td>
</tr>
<tr>
<td>A-13</td>
<td>Revise Figure III-10 to show Claus Road realignment</td>
<td>Page III-30</td>
</tr>
<tr>
<td>A-14</td>
<td>Revise Precise Plan #10 text to include Claus Road realignment</td>
<td>Page III-31</td>
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<tr>
<td>A-15</td>
<td>Revise Figure III-11 to show Claus Road realignment</td>
<td>Page III-32</td>
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<td>A-16</td>
<td>Revise Precise Plan #24 text to include Claus Road realignment</td>
<td>Page III-64</td>
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<td>A-17</td>
<td>Revise Figure III-25 to show Claus Road realignment</td>
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<td>A-18</td>
<td>Revise Precise Plan #25 text to include Claus Road realignment</td>
<td>Page III-67</td>
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<tr>
<td>A-19</td>
<td>Revise Figure III-26 to show Claus Road realignment</td>
<td>Page III-69</td>
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<td>A-20</td>
<td>Revise Precise Plan #30 text to include Claus Road realignment</td>
<td>Page III-79</td>
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<tr>
<td>A-21</td>
<td>Revise Figure III-31 to show Claus Road realignment</td>
<td>Page III-81</td>
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<td>A-22</td>
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<td>A-23</td>
<td>Revise Figure III-35 to show Claus Road realignment</td>
<td>Page III-91</td>
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<tr>
<td>A-24</td>
<td>Revise Precise Plan #35 text to include Claus Road realignment</td>
<td>Page III-92</td>
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<tr>
<td>A-25</td>
<td>Revise Figure III-36 to show Claus Road realignment</td>
<td>Page III-95</td>
</tr>
<tr>
<td>A-26</td>
<td>Add text describing expressway interchange as &quot;backbone&quot;</td>
<td>Page IV-2</td>
</tr>
<tr>
<td>A-27</td>
<td>Add text including Claus/Sylvan interchange in expressway system</td>
<td>Page IV-4</td>
</tr>
</tbody>
</table>
Following are the replacement pages which would implement these changes. The shaded text is language to be added. The lined-out text is language to be deleted.
c) The expressway system shall be upgraded. The present two-lane street section on both Briggsmore Avenue and Claus Road is not adequate to meet the future needs for both project-related and cumulative through-traffic.

The complete six-lane section of the proposed Claus Expressway shall be installed between Briggsmore Expressway and Sylvan Road. Briggsmore Expressway shall be widened from a two-lane to a six-lane section (with median) between Oakdale Road and Claus Road. Right-of-way shall be reserved along the proposed Claus Expressway at the junctions with Floyd Avenue and the Briggsmore Expressway for the installation of urban interchange facilities. The intersection with Sylvan Avenue will require realignment of Claus as shown on Figures II-1 and III-2. Right-of-way lines are indicated also on Precise Plan Areas #s 9, 10, 24, 25, 30, 34 and 35.

d) The major street system shall be completed around the periphery of the project by extending and widening the primary roadways. The present two-lane street section on Oakdale Road, Sylvan Avenue, Floyd Avenue and Roselle Avenue is not adequate to meet the future needs for both project-related and cumulative through-traffic.

e) Roselle Avenue will be widened from a two-lane to a four-lane section (with median) between Briggsmore Expressway and Sylvan Avenue. Oakdale Road will be widened from a two-lane to a six-lane section (with median) between Briggsmore Expressway and Sylvan Avenue. Floyd Avenue will be widened from a two-lane to a four-lane section (with median) between Oakdale Road and Claus Road, except for a small segment in the Village Center. Sylvan Avenue will be widened from a two-lane to a four-lane section (with median) between Oakdale Road and Claus Road.

f) Floyd Avenue through the Village Center will be constructed in two stages. The first stage will be two travel lanes, a turn lane and wide sidewalks. The second stage, to be installed when determined necessary by the City will be four travel lanes, a turn lane and narrow sidewalks (see Figure II-6).

g) Improvements shall be installed to the intersections of the three major north-south and east-west streets that adjoin the Village One study area. These locations would be signalized at-grade intersections, with the exception of locations along the Claus Expressway which would initially be at-grade intersections and could ultimately be grade-separated urban interchanges.

The improvements include the addition of through and turn lanes at the intersections of Claus Expressway.
See Figure II-2 and Precise Plan Area $20 for Detail

FIGURE II-1

LAND USE AND CIRCULATION DIAGRAM

- Very Low Density
- Village Residential
- Multi-Family
- Village Center
- Industrial Business Park
- Expressway
- Major
- Connector
- Residential
- Bike Trail
- Landscape Setback Area

NOTE: School/Park line boundaries to be determined later.

II-55
Figure III - 1
Precise Plan Areas

*Note: These lines indicated by asterisks represent boundaries between Precise Plan Areas. While these lines are not Connector Streets, they may be local streets or property lines.
PRECISE PLAN AREA #9
(Figure III-10)

1. Acreage: 27.6 14.9 Acres (of which 1.42 1.8 acres is devoted to noise setback area)

2. Land Use Intensity

A. General Commercial — 3.5 Acres
B. A. Village Residential — 22.6 13.5 Acres (of which 1.42 1.8 acres is devoted to noise setback area)
C. B. Sylvan Avenue Frontage Road Setback Area — 1.5 1.4 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

a. Within sub-area "A", auto-oriented, service retail uses are permitted in accordance with policy II(G)(7)(b) in Chapter II.

b. Within sub-area "B", only residential uses shall be allowed.
   1. The maximum number of dwelling units is calculated as follows:
      22.6 13.5 acres - 1.42 1.8 acres noise setback area = 21.8 11.7 acres.
      21.8 11.7 acres x 6.5 dwelling units/Acre = 442 76 dwelling units.
   2. The minimum number of dwelling units is calculated as follows:
      142 76 dwelling units x 90% = 128 68 dwelling units.

c. Within Sub-area "C B", no development shall be allowed. The setback area for the Sylvan Avenue frontage road is proposed within this area.

d. A minimum of 0.5 acres shall be provided for a mini-park as consistent with Section II(F)(2)(d) in Chapter II.

e. The existing church on Assessors Parcel Number 52-20-57 may remain. However, its Principal Underlying Zone is R-1, Low Density Residential. Expansion of the church use shall occur only through a Conditional Use Permit.

f. Parcels adjacent to Sylvan Avenue shall provide a frontage road and landscaping in accordance with the standards in Chapter II.

f. Parcels fronting on Claus Expressway shall provide a 95-foot-wide
Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback where no habitable dwellings shall be placed, (from the edge of public right of way) for all residential units as well as a seven-foot high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.

4. Principal Underlying Zone(s)

a. Sub-area "A", C-2, General Commercial
b. Sub-area "B", R-1, Low-Density Residential
e. Sub-area "C", R-1, Low-Density Residential
Figure III-10
PRECISE PLAN AREA #9
1. **Acreage**
   - 47.8 35.7 Acres (of which 3.4 3.7 acres is devoted to noise setback)

2. **Land Use Intensity**
   - Sub Area "A" 47.8 35.7 Acres (of which 3.4 3.7 acres is devoted to noise setback)

3. **Special Considerations**
   - The Precise Plan shall incorporate the following policies:
     
     a. Within the Precise Plan Area, only single-family residential uses shall be allowed.
        1. The **maximum** dwelling units are calculated as follows:
           
           $$47.8 \text{ 35.7 acres} - 3.4 \text{ 3.7 acres noise setback area} = 44.4 \text{ acres}.$$  
           $$44.4 \text{ 32.0 acres} x 6.5 \text{ dwelling units/acre} = 289,208 \text{ dwelling units}.$$  
        2. The **minimum** dwelling units are calculated as follows:
           $$289,208 \times 90\% = 260,187 \text{ dwelling units}.$$  
     
     b. A minimum of 0.9 0.6 acres shall be provided for a mini-park as consistent with Section II(F)(2)(d) in Chapter II.
     
     c. The southern boundary of Precise Plan Area #10 shall be the south property line of Assessors Parcel Number 52-20-05.
     
     d. Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback, where no habitable dwellings shall be placed, (from the edge of public right of way) for all residential units as well as a seven-foot high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.

4. **Principal Underlying Zone(s)**
   - a. R-1, Low-Density Residential
1. Acreage: 37.9 32.8 Acres (of which 2.2 Acres is devoted to noise setback area)

2. Land Use Intensity

   A. Commercial 2.5 Acres
   B. Village Residential 35.4 30.3 Acres (of which 2.2 Acres is devoted to noise setback area)

3. Special Considerations

   The Precise Plan shall incorporate the following policies:

   a. Within sub-area "A", commercial uses consistent with the City's C-2 zone as described in Policy II(G)(7)(b) in Chapter II are permitted.

   b. Within sub-area "B", only single-family residential uses shall be allowed.

   1. The maximum dwelling units shall be calculated as follows:

      35.4 30.3 acres - 2.2 acres noise setback area - 33.2 28.1 Acres
      33.2 28.1 acres x 6.5 dwelling units/acre = 216 183 dwelling units.

   2. The minimum dwelling units shall be calculated as follows:

      216 183 dwelling units x 90% = 194 164 dwelling units.

   c. A minimum of 0.6 0.5 acres shall be provided for a mini-park as consistent with Section II(F)(2)(d) in Chapter II.

   d. Pedestrian access to sub-area "A" from sub-area "B" should be provided.

   e. The existing church shall be allowed to remain. However, its Principal Underlying Zone is R-1, Single-family Residential. Expansion of the church facilities shall require a Conditional Use Permit.

   f. Vehicle access to the existing church from Floyd Avenue shall be provided with minimal disruption to through-traffic flow.

   g. The northern boundary of the Precise Plan Area shall be the north boundaries of Assessors Parcels numbers 52-23-06 and 52-23-56.

   h. "Boulevard Treatment" is required along the frontage of Floyd Avenue where specified. This treatment includes front yard
Figure III-25
PRECISE PLAN AREA #24
PRECIPE PLAN AREA #25
(Figure III-26)

1. Acreage: 36.8 33.0 Acres (of which 1.5 2.2 Acres is devoted to noise setback area)

2. Land Use Intensity

   A. Commercial 2.5 Acres
   B. Village Residential 25.3 21.5 Acres (of which 1.5 2.2 Acres is devoted to noise setback area)
   C. Multi-family 9.0 Acres

3. Special Considerations

   The Precise Plan shall incorporate the following policies:

   a. Within sub-area "A", commercial uses consistent with the City's C-2 zone as described in Policy II(G)(7)(b) in Chapter II are permitted.

   b. Within sub-area "B", only single-family residential uses shall be allowed.

   1. The maximum dwelling units shall be calculated as follows:

      25.3 21.5 acres - 1.5 2.2 acres noise setback area = 23.8 19.3 Acres
      23.8 19.3 acres x 6.5 dwelling units/acre = 155 125 dwelling units

   2. The minimum dwelling units shall be calculated as follows:

      155 125 dwelling units x 90% = 140 113 dwelling units

   c. A minimum of 0.5 acres shall be provided for a mini-park consistent with Section II(F)(2)(d) in Chapter II.

   d. Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback (from the edge of public right of way) where no habitable dwellings shall be placed, for all residential units as well as a seven-foot-high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.

   e. Within sub-area "C", only multi-family uses shall be allowed.

   1. The maximum dwelling units shall be calculated as follows:

      9.0 acres x 26.25 dwelling units/Acre = 236 dwelling units

   2. The minimum dwelling units shall be calculated as follows:

      III-67
Figure III-26
PRECISE PLAN AREA #25
PRECISE PLAN AREA #30
(Figure III-31)

1. Acreage: 35.7 34.7 Acres (of which 2.8 Acres is devoted to noise setback area)

2. Land Use Intensity
   a. Village Residential 35.7 34.7 Acres (of which 2.8 Acres is devoted to noise setback area)

3. Special Considerations

   The Precise Plan shall incorporate the following policies:
   a. Within the Precise Plan Area only single-family residential uses shall be allowed.
      1. The maximum number of dwelling units shall be calculated as follows:

         35.7 34.7 acres - 2.8 acres/noise setback area = 32.9 31.9 acres. 
         32.9 31.9 acres x 6.5 dwelling units/acre = 244 207 dwelling units.

      2. The minimum number of dwelling units shall be calculated as follows:

         244 207 dwelling units x 90% = 193 826 dwelling units.
   b. A minimum of 0.6 acres shall be provided for a mini-park as consistent with Section II(F)(2)(d) in Chapter II.
   c. The Precise Plan shall provide access relocation from Claus Expressway to Sharon Avenue for the existing church.
   d. Pedestrian access shall be provided to the school/park site in Precise Plan Area No. 29.
   e. The boundary between Precise Plan Areas Nos. 30 and 34 is the existing centerline of Merle Avenue (which may be abandoned).
   f. Sharon Avenue shall be closed to Claus Expressway with a cul-de-sac at its east end.
   g. Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback (from the edge of public right of way), where no habitable dwellings shall be placed, for all residential units as well as a seven-foot high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.
Figure III-31
PRECISE PLAN AREA #30

SHARON AVE

PPA-25

CLAUS RD

PPA-34

PPA-29

FINE AVE

PPA-38

III-81
1. Acreage: 35.7 31.9 Acres (of which 2.0 2.6 acres is devoted to noise setback area)

2. Land Use Intensity
   a. Village Residential 35.7 31.9 Acres (of which 2.0 2.6 acres is devoted to noise setback area)

3. Special Considerations

   The Precise Plan shall incorporate the following policies:

   a. Within the Precise Plan Area only single-family residential uses are allowed.

      1. The maximum dwelling units shall be calculated as follows:

         \[
         \text{Acreage} = 35.7 \text{ acres} - 2.0 2.6 \text{ acres} = 32.9 \text{ acres} \\
         \text{Acreage} = 32.9 \text{ acres} \times 6.5 \text{ dwelling units/acre} = 214,190 \text{ dwelling units}
         \]

      2. The minimum dwelling units shall be calculated as follows:

         \[
         214,190 \text{ dwelling units} \times 90\% = 193,671 \text{ dwelling units}
         \]

   b. A minimum of 0.6 acres shall be provided for a mini-park as consistent with Section II(F)(2)(d) in Chapter II.

   c. Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback (from the edge of public right of way), where no habitable dwellings shall be placed, for all residential units as well as a seven-foot high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.

   d. Parcels abutting MID Lateral No. 3 shall provide a twenty-foot setback area along the north side of the lateral. This setback area shall be landscaped and include a bike trail that connects to the Claus Road bike trail, and a seven-foot soundwall along the north line of the setback area.
Figure III-35
PRECISE PLAN AREA #34

PPA-29
PPA-30
PPA-33
CLAUS RD
MID LAT NO. 3
E BRIGGSMORE' AVE

III-91
A-23
1. Acreage: 245.8 307.6 Acres

2. Land Use Intensity
   A. Industrial/Business Park 228.2 Acres
   B. Public Facilities 21.1 Acres

3. Special Considerations

   The Precise Plan shall incorporate the following policies:

   a. Within Sub-area "A", only Industrial/Business Park uses in accordance with Sections II(G)(8), (9) and (10) in Chapter II shall be allowed. A minimum of 1.4 million square feet and a maximum of 2.3 million square feet of Industrial/Business Park uses and a storm drainage basin shall be provided.

   b. Within Sub-area "B", only Public Facilities uses, specifically an M.I.D. substation, in accordance with Sections II(D)(7) and (9) in Chapter II shall be allowed.

   c. Plans for development and development sites within the Precise Plan Area shall be consistent with Sections II(G)(10)(a) through (i) in Chapter II.

   d. The Precise Plan shall include a Circulation Plan for the Business Park. This plan shall provide a Connector level street system including entry treatment of the intersection with Floyd Avenue. Linkage of the internal street network to East/West circulation via connections to Floyd Avenue and Milnes Road shall also be addressed in the Circulation Plan.

   e. The Precise Plan shall include revised orientation to accommodate the future Claus/Sylvan interchange realignment as well as revised egress for business park parcels.

   f. The Precise Plan shall include plans for improving the at-grade Milnes/Road Santa Fe railroad crossing.

   g. The Precise Plan shall address the integration of the Santa Fe Railroad rail spurs and access.

   h. The Precise Plan shall address the integration of the future Amtrak station into the Business Park land use and circulation plans, in accordance with Section II(C)(7)(c) in Chapter II.

   i. The Precise Plan shall analyze the potential for an additional...
Figure III-36
PRECISE PLAN AREA #35

Sylvan Avenue
PPA-9

PPA-10

PPA-24

Milnes Road

Floyd Avenue

PPA-25

A

PPA-30

PPA-34

Briggsmore Avenue

III-95

A-25
Facilities with enhanced service standards in Village One include:

a) **Streets**

Right of way widths, median requirements, and landscaping requirements in setbacks have been increased or enhanced above present standards.

b) **Parks**

Park acreage has been increased due to: (a) the requirement for "mini-parks" in each neighborhood at a ratio of 1/2-acre for every 150 single-family housing units; (b) an increase in "neighborhood" park acreage - a result of the elementary schools shift to year-round schools which eliminated the availability of shared playing fields; (c) the 2.3-acre park in the Village Center; (d) the Gateway park along Floyd Avenue; (e) linear recreational trails along Claus Road; and (f) landscaped entries at intersections of north-south streets and the Sylvan Avenue frontage road.

3. **Facilities Master Plan - Infrastructure Categories**

The general requirements for infrastructure and facilities, and the likely method of funding, are described in the following paragraphs. The infrastructure and public facilities required to serve Village One can be grouped into three categories:

a) **Backbone Infrastructure**

This group includes expressways, expressway interchanges, major streets, roadway medians, sanitary sewer trunk system, water delivery system, storm drainage system, neighborhood connector streets, and relocation of electrical utilities, and other utilities, if appropriate.

b) **Community Facilities**

This group includes parks, schools, community center, library, and police and fire facilities.

c) **In-Tract Subdivision Infrastructure**

This group includes neighborhood roads, sewer, water, storm drainage, setback landscaping and street trees, and pocket parks (mini-parks) which serve only a specific Precise Plan Area.

Backbone infrastructure items and community facilities serve all land uses within the project area and are funded through a financing system that spreads the costs fairly to each benefiting land use. In-tract subdivision infrastructure benefits only a specific development and the costs are allocated only to the benefiting properties within that development.

IV-2
The Financing Plan for Village One is complicated due to the large number of parcels and ownerships within the Specific Plan area. There is great diversity of opinion as to whether or not owners want to develop their property or maintain it in its current use for an indefinite period. The timing of developments is unknown for those property owners who wish to develop in accordance with the permitted land uses within the Village One Specific Plan. This uncertainty means that the financing plan and the infra-structure sequencing program must be flexible.

2. Public Facilities Financing Plan - Facility Funding Methods

The Facility Financing Plan will determine the appropriate mix of Facility funding methods, based upon the facilities listed below:

a) Expressway System

The expressway system will be funded by the City of Modesto's Capital Facilities Fee Program (CFF). Briggsmore Avenue and Claus Road are planned expressways including planned Claus/Sylvan interchange. All development will be charged a CFF at the time building permits are issued. The traffic portion of this fee is divided between the expressway system and major streets, traffic signals, air quality mitigation, and transit.

b) Major Streets

Major streets within the Specific Plan area include Oakdale Road, Sylvan Avenue, Roselle Avenue and Floyd Avenue. The City's CFF will fund a portion of the Roselle Avenue improvements. Improvements to the other major streets will be paid for by a combination of developer financing for abutting roadway frontages and an "area of benefit" charge that covers the entire Specific Plan area. Assessment districts or Mello-Roos Community Facilities districts may be considered in place of, or in combination with, the "area of benefit" charge. Landscape maintenance within public right-of-way may be funded by a property owners association or a Landscape and Lighting District.

c) Local Connector Streets and Residential Streets

Construction of local connector streets and residential streets will also be the responsibility of developers within each Precise Plan. Landscape maintenance within public rights-of-way may be funded by a property owners association or a Landscape and Lighting District.

d) Police and Fire Facilities

Fire facilities will be funded through the City of Modesto's Capital Facilities Fee Program. All new developments will be charged a fee at the time building permits are issued. Construction of the police and fire facilities will be
A. Description

This amendment to the Specific Plan would consist of the deletion of a separate, untreated, non-drinkable water system, also known as the Non-Potable Water Supply. The Specific Plan included the installation of an alternative water supply including storage, piping and necessary pumps for the distribution of untreated surface water from the M.I.D. irrigation canal.

This non-potable water supply was intended to provide untreated surface water for the public landscaping in the project such as street medians and linear landscaped setback areas. Potential savings in treatment costs as well as reductions in ground water usage were the reasons for including it in the Specific Plan.

B. Specific Changes Required in the Specific Plan

The following pages of the present Specific Plan need to be revised to implement the proposed changes:

<table>
<thead>
<tr>
<th>Exhibit Page</th>
<th>Description</th>
<th>Specific Plan Page Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-29</td>
<td>Delete text describing Alternative Irrigation source for landscaping</td>
<td>Page II-15</td>
</tr>
<tr>
<td>A-30</td>
<td>Delete text describing separate water system for irrigation of landscaping</td>
<td>Page II-16</td>
</tr>
</tbody>
</table>

Following are the replacement pages which would implement these changes. The shaded text is language to be added. The lined-out text is language to be deleted.
to the city by 1994.

Although the general location of water delivery systems have been indicated on Figure II-15, certain deviations will be necessary as logical adaptations to specific site considerations.

b) Alternative Irrigation Source for Landscaping

To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment of water supplies, the Village One area will use an alternative system (of non-potable water) for irrigation of median strips and larger open space areas. A storage facility will likely be required and may be located within a portion of the storm drainage basin. This storage facility will need to be sized in accordance with the policies of the Modesto Irrigation District for water delivery, if water is to be obtained from M.I.D. Interconnection with the domestic supply line is feasible with appropriate backflow devices, should M.I.D. water not be available for a given period of time.

The basic concept of the Alternative Irrigation Source is very similar to the domestic water system. A looped system, interconnected, will be developed. Cost of this system will be less than the domestic water system because pipe diameters will not accommodate fire-flow requirements. Participation by the school districts should be considered when sizing these facilities. Design of this system should be done prior to approval of development plans.

c) Design Principles - Water Services

b) Design Principles - Water Service

1. New water sources shall meet or exceed the California Department of Health Services Title 22 regulations for water quality.

2. The use of City water supplies for commercial agricultural uses shall be prohibited.

3. New wells shall be sited and be of sufficient size to accommodate areas of approximately one square mile.

4. Prior to design and construction of water transmission lines, the Public Works and Transportation Department shall be consulted regarding potential expansion of the water system and alternative sources of water.

5. New development shall meet fire flow requirements as established by the Fire and Public Works and Transportation Departments.

6. All main transmission lines shall be looped and lines of lesser diameter shall be looped to the extent
feasible.

7. The use of drought-resistant plants shall be required in conjunction with public streets and rights-of-way to reduce water needs.

8. New developments shall be required to minimize water consumption by using low-flow showerhead and faucets, and the principles of xeriscape (drought resistant plantings) in landscape plantings.

9. All new water connections shall be metered, excluding those connections designed solely for the purpose of fire protection.

10. Necessary water conduits shall be extended across the entire frontage of a developing area to allow for coordinated provision of services as adjacent areas are developed.

11. To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment water supplies, the Village One Specific Plan area will use a separate water system for irrigation of median strips and larger open-space areas. A storage facility will be located within a portion of the storm drainage basin.

d) Facilities Master Plan

Chapter IV presents the requirements for a Facilities Master Plan, to implement the above Design Principles.

7. Public Infrastructure - Storm Water System

a) Overview

This Section responds to the "Drainage" requirements of Section 65451(a)(2) of the Government Code. Figure II-16 presents, in a conceptual manner, the general location of storm water drainage facilities to serve Village One.

Storm water facilities will be designed according to City II-16
SUB-ITEM 4. INCORPORATION OF MITIGATION MONITORING

A. Description

This amendment to the Specific Plan would consist of the addition of Mitigation Measures from the Village One Final Supplemental EIR so that Mitigation Monitoring will take place through project approval. The State environmental law (Public Resources Code Section 21081.6(a)), requires an agency to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant environmental impacts. The 1990 Village One EIR included a Mitigation Monitoring Plan which was a separate document. Although the adopted Monitoring Plan meets the requirements of the law, it was not fully integrated with Specific Plan implementation.

Section 21081.6(b) of the Public Resources Code allows agencies to accomplish Monitoring through project implementation:

"(b) If there is a project for which mitigation is adopted, a public agency shall comply with subdivision (a) by, among other things, adopting mitigation measures as conditions of project approval. Those conditions of project approval may be set forth in referenced documents which address required mitigation measures."

The mitigation measures in the Final Supplemental EIR contain a Mitigation Monitoring statement that references plan documents such as a Specific Plan, Precise Plan, or Facilities Master Plan that are part of project approval and implementation.

B. Ultimate Disposition of Mitigation Measures

Upon City Council certification of the Final EIR, the forty Mitigation Measures were incorporated into the project as follows:

<table>
<thead>
<tr>
<th>Exhibit Page</th>
<th>Reference</th>
<th>Description</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-35</td>
<td>Specific Plan</td>
<td>Traffic and Circulation - Briggsmore/Oakdale intersection improvements financing</td>
<td>Page No. III-6</td>
</tr>
<tr>
<td>A-36</td>
<td>Specific Plan</td>
<td>Air Quality - Design policies to provide vehicle trip reduction</td>
<td>Page No. II-4</td>
</tr>
<tr>
<td>A-37</td>
<td>Specific Plan</td>
<td>Air Quality - Trip Reduction Ordinance requirement</td>
<td>Page No. III-93</td>
</tr>
<tr>
<td>A-38</td>
<td>Specific Plan</td>
<td>Air Quality - Residential fireplace and woodburning device emissions standards requirement</td>
<td>Page No. III-6</td>
</tr>
<tr>
<td>A-39</td>
<td>Specific Plan</td>
<td>Land Use - Subdivision deed requirement for notification of potential urban/ag conflict</td>
<td>Page No. III-5</td>
</tr>
<tr>
<td>Exhibit Page Reference</td>
<td>Description</td>
<td>Disposition</td>
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<tr>
<td>------------------------</td>
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<td></td>
</tr>
<tr>
<td>A-40</td>
<td>Traffic and Circulation - Requirement to improve Claus Road between Brigsmore Avenue and Sylvan Avenue to six lanes</td>
<td>Facilities Master Plan</td>
<td></td>
</tr>
<tr>
<td>A-40</td>
<td>Traffic and Circulation - Requirements for project area circulation link and intersection improvements to mitigate projected traffic impacts</td>
<td>Facilities Master Plan/Specific Plan Page No. II-8</td>
<td></td>
</tr>
<tr>
<td>A-40</td>
<td>Traffic and Circulation - Requirement to extend City transit system routes through the project area</td>
<td>Facilities Master Plan/Specific Plan Page No. II-8</td>
<td></td>
</tr>
<tr>
<td>A-42</td>
<td>Noise - Requirement to reduce interior noise levels of residential housing to 45 dba</td>
<td>Specific Plan Page Nos. III-6</td>
<td></td>
</tr>
<tr>
<td>A-42</td>
<td>Noise - Requirement to place City's noise ordinance in all Precise Plans for development</td>
<td>Specific Plan Page No. III-6</td>
<td></td>
</tr>
<tr>
<td>A-43</td>
<td>Vegetation and Wildlife - Requirement for Industrial/Business Park Precise Plan to contain a breeding season survey for raptors</td>
<td>Specific Plan Page Nos. III-93</td>
<td></td>
</tr>
<tr>
<td>A-44</td>
<td>Vegetation and Wildlife - Requirement for Industrial/Business Park Precise Plan for the area north of Milnes Road to contain a determination of wetlands and appropriate mitigation if required.</td>
<td>Specific Plan Page No. III-93</td>
<td></td>
</tr>
<tr>
<td>A-45</td>
<td>Land Use - Requirement for establishment of 350-foot wide buffer area around High School/Community Park site.</td>
<td>Specific Plan Page Nos. III-8 &amp; 9</td>
<td></td>
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<tr>
<td></td>
<td>Urban Design and Visual Quality - This measure was developed in response to the proposed intensification of the Village Center commercial area. It is not needed because of the City Council's action on May 24, 1994, which denied the intensification of the Village Center commercial area.</td>
<td>Measure not placed in Plan documents</td>
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<td></td>
<td>Hydrology - Requirement to provide necessary stormwater drainage system for project area</td>
<td>Facilities Master Plan</td>
<td></td>
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<tr>
<td></td>
<td>Public Services - Requirement to provide plans for necessary stormwater drainage system to serve project area</td>
<td>Facilities Master Plan</td>
<td></td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Disposition</td>
<td></td>
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<tr>
<td>A-47</td>
<td>Hydrology - Requirement for a Phase 1 site assessment for development of the former &quot;Pure-Gro&quot; site (3348 Claus Road) to determine potential contamination.</td>
<td>Specific Plan Page No. III-93</td>
<td></td>
</tr>
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<td>Public Services - Requirement for construction of a fire station within the Village Center Public Safety Center</td>
<td>Facilities Master Plan</td>
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<tr>
<td></td>
<td>Public Services - Requirement for construction of a police sub-station within the Village Center Public Safety Center</td>
<td>Facilities Master Plan</td>
<td></td>
</tr>
<tr>
<td>A-48</td>
<td>Public Services - Requirement to extend the joint Surface Water Treatment Plant/City well system to serve the project area</td>
<td>Specific Plan Page No. II-16 &amp; Facilities Master Plan</td>
<td></td>
</tr>
<tr>
<td>A-48</td>
<td>Public Services - Requirement to apply the City's water conservation policies to the project area by the installation of water meters and requiring of xeriscape</td>
<td>Specific Plan Page No. II-16</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Services - Requirement to extend the Lakewood and Sonoma trunk sewer lines to serve the area</td>
<td>Facilities Master Plan</td>
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<tr>
<td></td>
<td>Public Services - Requirement to locate, if determined necessary, a sewer pump station to serve the northerly Industrial/Business Park area</td>
<td>Facilities Master Plan</td>
<td></td>
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<tr>
<td></td>
<td>Public Services - Requirement for future villages to finance their share of Village One school facilities which serve students from their areas</td>
<td>Facilities Master Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Services - Requirement for developers to notify the School Districts in advance of submitting specific plans for building to obtain lead time for facilities planning</td>
<td>Facilities Master Plan</td>
<td></td>
</tr>
<tr>
<td>A-50</td>
<td>Vegetation and Wildlife - Requirement for a breeding season survey for active Swainson's Hawk nests for Precise Plans.</td>
<td>Specific Plan Page No. III-6</td>
<td></td>
</tr>
<tr>
<td>Exhibit Page</td>
<td>Reference</td>
<td>Description</td>
<td>Disposition</td>
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<tr>
<td></td>
<td>A-50</td>
<td>Vegetation and Wildlife - Requirement for the City of Modesto to implement a Citywide nature habitat preservation and restoration plan</td>
<td>This Measure will be implemented by analysis of these issues in the Draft EIR for the City's General Plan rewrite</td>
</tr>
<tr>
<td></td>
<td>A-50</td>
<td>Air Quality - Requirement to place statement regarding control of construction-related dust and emissions in Precise Plans for development</td>
<td>Specific Plan Page No. III-6</td>
</tr>
</tbody>
</table>

Following are the replacement pages which would implement these changes. The shaded text is language to be added. The lined-out text is language to be deleted.
Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.

-or-

As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

This policy does not intend for developers to construct walkways to schools that don't exist.

12. Precise Plans in the project area shall contribute to the financing and implementation of the required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

- Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, converting the existing right turn lane to a through and restriping the departures to receive three through lanes.
- Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right turn lanes to through-right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure. (Mitigation Measure No. 1)

13. The following statement shall be placed in all Precise Plans for Residential Development:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

14. Noise Mitigation for Residential Precise Plan Areas

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45 dBA, prior to final inspection by Building Inspection Division.
The two expressways that serve Village One are Briggsmore Avenue and Claus Road. These facilities will ultimately serve the major traffic demands both east-west (Briggsmore) and north-south (Claus). The Briggsmore Expressway will serve east-west project traffic until the Claus and Kiernan-Claribel Expressways are completed. In addition, the street sections of Briggsmore Avenue and Claus Road incorporate facilities for pedestrians or off-street bicyclists on Class 1 bike trails.

The internal circulation system for Village One is designed to facilitate pedestrian-oriented movements while discouraging through-traffic. The neighborhood connectors are aligned to link major institutional/recreational uses (e.g., schools and parks) and commercial uses within the neighborhoods to promote such pedestrian travel; the virtual elimination of cul-de-sacs provides more pedestrian access to all residential areas. Through-traffic within neighborhoods is minimized by the elimination of long, linear streets, the termination of connector streets at T-intersections, the use of a variety of discontinuous alignments, necking down the intersections of minor residential streets, and the use of traffic circles and raised crosswalks where appropriate.

The following policies shall be incorporated into the Specific Plan to provide overall trip reduction. These policies shall be implemented to mitigate traffic and air quality impacts from Village One:

A. Locate the Village Center at the geographic heart of the community, with direct connections to the village districts.

B. Place emphasis on pedestrian activities and linkages, and provide for the possibility of future transit along Roselle Avenue to serve the Village Center.

C. Develop a circulation network that provides a connection between the Village Center and other Village One uses.

D. Establish a network of primary transit streets to serve Village One.

E. Provide for alternative future transit systems.

F. Incorporate bikeways into the circulation system of Village One. (Mitigation Measure No. 2)

2. Circulation - Adoption of Street Classifications

Figures II-3 through II-9 (Pages II-53 to II-57) present specific design requirements for various street classifications proposed within Village One. These Classifications are hereby adopted, and are found consistent with Section 65451(a)(2) of the Government Code. The classifications are presented as II-4.
j. Development plans for the area north of Milnes Road shall address required EIR mitigation measures including:

1. Appropriate site inspection shall be conducted for hazardous materials prior to development of the Pure-Gro property, Assessor's Parcel No. 14-14-15 in accordance with mitigation measure 4.8.6(b), in the adopted 1990 Village One EIR.

2. Appropriate determination or permits from the U. S. Army Corps of Engineers regarding potential wetlands shall be obtained prior to development of areas north of Milnes Road as shown on Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.

3. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks for the area between Parker Road and Floyd Avenue as shown Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR. (Replaced by III(D)(16), above).

k. The existing church at the southeast corner of the future Floyd/Claus intersection may remain. However, its principal underlying zone is B-P, Business Park. Expansion of the church facilities shall require a Conditional Use Permit.

l. Separate Precise Plan applications may be submitted for those Business Park areas north and south of Floyd Avenue.

m. Land uses within Sub-areas "A" and "B" may be shifted during Precise Plan Approval.

n. Precise Plans for the Industrial/Business Park shall contain the following statement:

"Employers located within Village One Specific Plan area will be subject to a Trip Reduction Ordinance (TRO) which will be adopted in compliance with the Stanislaus County Congestion Management Program. This TRO may require, among other things, provision of transit incentives (such as bus passes), limitations on the amount of employee parking, and promotion of ride sharing and alternative modes of transportation."  
(Mitigation Measure No. 3)

4. Principal Underlying Zone(s)

a. Sub-Area "A" - BP, Business Park
b. Sub-Area "B" - BP, Business Park

5. Land Assembly Requirements

III-93
Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.

-or-

As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

This policy does not intend for developers to construct walkways to schools that don't exist.

12. Precise Plans in the project area shall contribute to the financing and implementation of the required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, converting the existing right turn lane to a through and restriping the departures to receive three through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right turn lanes to through+right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure.

13. The following statement shall be placed in all Precise Plans for Residential Development:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart A, A of the Code of Federal Regulations, February 26, 1988. (Mitigation Measure No. 4)

14. Noise Mitigation for Residential Precise Plan Areas

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45 dBA, prior to final inspection by Building Inspection Division
5. When developing a portion of a Precise Plan Area, the proposed Precise Plan must demonstrate that subsequent development within the Precise Plan Area will provide its proportionate share to achieve the required minimum dwelling unit yield.

6. All road alignments for connector streets shall be consistent with the Facilities Master Plan.

7. All mini-parks within Precise Plans which propose residential development shall be a minimum of 0.5 acres.

8. The Land Use and Community Design Policies presented in Chapter II (Section II-G) shall be incorporated, where relevant, into each Precise Plan. The Development Review process to implement these policies may specify that, for existing and proposed lots greater than 5,000 square feet in size, performance standards may be utilized, in lieu of architectural and plot plan submittals, to demonstrate conformance with the Land Use and Community Design Policies.

9. The Village One Affordable Housing Program presented in Chapter II (Section II-H) shall be implemented throughout each Precise Plan which proposes residential development.

10. All Precise Plans which propose residential development shall include the following requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although it may not fully mitigate the impact:

   "All deeds for lots sold in this subdivision shall contain the following statement:

   "This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses.""

   (Mitigation Measure No. 5)

11. All Precise Plans which propose residential development shall include the following requirement:

   The Developer shall provide Pedestrian linkage to school facilities serving the particular residential Precise Plan Area. Linkage may consist of any surface and route agreed to by the City Transportation Division and School District.
-nections between residence locations and the Village Center.

The intersection of Roselle Avenue/Floyd Avenue would serve as the major inbound access for the Village Center for motorists traveling from outside the Village One area. Motorists would subsequently enter parking lots serving the commercial uses on the north and south side of Floyd Avenue. All traffic exiting the Village Center will be directed by a circulation plan that defines traffic aisles and locates directional signs to direct motorists to connecting streets that access the outer loop road around the Village Center. The two locations where the outer loop road intersects with Roselle Avenue as well as its intersection with Floyd Avenue west of the Gateway Park will be signalized to provide full access. Due to the complexity of Village Center circulation and the potential for alternate retail building locations during the precise planning stage, the final design of the Village Center access system may vary.

d) Dead-end alleys shall be prohibited and cul-de-sac shall be discouraged.

While discontinuous streets may be desirable as a way of reducing traffic speed and volumes through residential areas, dead-end streets and alleys should not be allowed because they are difficult to patrol effectively. Alleys are encouraged within Village One, but they are to be well planned and well lighted so that they do not become an unattractive and unused backdoor to the residential areas.

The kinds of traffic that are specifically undesirable in residential neighborhoods include traffic using the street as short-cuts, detours or overflow; and excessive traffic speed and use of curb parking by drivers with destinations outside the neighborhoods.

6. Circulation - Improvement Policies

a) Improvements required by Mitigation Measures #’s 7 to 20 from the Final Supplemental EIR shall be implemented in the Facilities Master Plan. (Mitigation Measure Nos. 7 through 20)

b) A system of major streets shall be provided to serve both project traffic with external destinations and community-wide through-traffic.

The predominant use in Village One is residential. The commercial and industrial uses in Village One will require an adequate major street system to serve their transportation needs.
Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.

-or-

As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

This policy does not intend for developers to construct walkways to schools that don't exist.

12. Precise Plans in the project area shall contribute to the financing and implementation of the required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

- Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, converting the existing right turn lane to a through and restriping the departures to receive three through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right turn lanes to through-right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure.

13. The following statement shall be placed in all Precise Plans for Residential Development:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

14. Noise Mitigation for Residential Precise Plan Areas

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45 dBA, prior to final inspection by Building Inspection Division.
shall constitute compliance with this measure.

Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

Without acoustical treatment, noise levels inside proposed residential housing along the following project area Major streets would exceed 45 dBA, the City's General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

- **Sylvan Avenue**
  - Oakdale to Roselle: 142 ft.
  - Roselle to Claus: 136 ft.

- **Floyd**
  - Oakdale to Roselle: 106 ft.
  - Roselle to Claus: 76 ft.

- **Briggsmore**
  - Oakdale to Roselle: 171 ft.
  - Roselle to Claus: 138 ft.

- **Oakdale**
  - Sylvan to Floyd: 214 ft.
  - Floyd to Briggsmore: 209 ft.

- **Roselle**
  - Sylvan to Merle: 126 ft.
  - Merle to Briggsmore: 150 ft.

- **Claus**
  - Sylvan to Floyd: 171 ft.
  - Floyd to Briggsmore: 176 ft.

Source: Brown-Buntin Associates Noise study, April 1993

(Mitigation Measure No. 21)

15. All Precise Plans shall contain the following statement:

"Construction noise is regulated by the City's Noise Ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 AM TO 9:00 PM. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise Ordinance."

(Mitigation Measure No. 22)

16. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks.
j. Development plans for the area north of Milnes Road shall address required EIR mitigation measures including:

1. Appropriate site inspection shall be conducted for hazardous materials prior to development of the Pure-Gro property, Assessor's Parcel No. 14-14-15 in accordance with mitigation measure 4.8.6(b), in the adopted 1990 Village One EIR.

2. Appropriate determination or permits from the U. S. Army Corps of Engineers regarding potential wetlands shall be obtained prior to development of areas north of Milnes Road as shown on Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.

3. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks for the area between Parker Road and Floyd Avenue as shown Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.

k. The existing church at the southeast corner of the future Floyd/Claus intersection may remain. However, its principal underlying zone is B-P, Business Park. Expansion of the church facilities shall require a Conditional Use Permit.

l. Separate Precise Plan applications may be submitted for those Business Park areas north and south of Floyd Avenue.

m. Land uses within Sub-areas "A" and "B" may be shifted during Precise Plan Approval.

The Precise Plan for the Industrial/Business Park shall contain breeding season survey by a qualified biologist for the area identified as potential raptor habitat on Figure 34, Biological Resources/Habitat Types, page 4.9-2 adopted Village One, Specific Plan EIR, to determine the presence of active raptor nests.

If no active raptor nests are found, the Precise plan shall be written to document this finding.

If active raptor nests are found, site development will avoid active raptor nests and surrounding foraging habitat during their breeding cycle. Planning Department staff approval of the above mitigation prior to Building Permit for the site constitutes compliance. (Mitigation Measure No. 23)

4. Principal Underlying Zone(s)

a. Sub-Area "A" - BP, Business Park
b. Sub-Area "B" - BP, Business Park

5. Land Assembly Requirements
j. Development plans for the area north of Milnes Road shall address required EIR mitigation measures including:

1. Appropriate site inspection shall be conducted for hazardous materials prior to development of the Pure-Gro property, Assessors Parcel No. 14-14-15 in accordance with mitigation measure 4.8.6(b), in the adopted 1990 Village One EIR.

2. Appropriate determination or permits from the U. S. Army Corps of Engineers regarding potential wetlands shall be obtained prior to development of areas north of Milnes Road as shown on Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.

2. The Precise Plan for the Industrial/Business Park area north of Milnes Road shall contain a determination of jurisdiction and/or agreement between the developers and the Corps of Engineers (COE) on appropriate mitigation, if required, for areas shown as: "drainage area with wetland vegetation" on Figure 34, Biological Resources/Habitat Types, page 4.9-2 adopted Village One Specific Plan EIR.

Note: This is the area north of Milnes Road.

If no COE classified wetlands are identified, the Precise Plan shall be written to document this finding.

If potential wetlands are classified, then all necessary permits and approvals shall be obtained from the Corps of Engineers prior to issuance of a Grading Permit. (Mitigation Measure No. 24)

3. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks for the area between Parker Road and Floyd Avenue as shown Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.

k. The existing church at the southeast corner of the future Floyd/Claus intersection may remain. However, its principal underlying zone is B-P, Business Park. Expansion of the church facilities shall require a Conditional Use Permit.

l. Separate Precise Plan applications may be submitted for those Business Park areas north and south of Floyd Avenue.

m. Land uses within Sub-areas "A" and "B" may be shifted during Precise Plan Approval.

4. Principal Underlying Zone(s)

a. Sub-Area "A" - BP, Business Park
b. Sub-Area "B" - BP, Business Park
1. **Acreage:**

   - Total Acreage: 82.5 Acres
     - 0.0 Acres are devoted to noise setback area

2. **Land Use Intensity**

   - **A. Very Low Density Residential:** 7.5 Acres
     - 0.0 Acres are devoted to noise setback area
   - **B. High School/Community Park Site:**
     - High School: 50.0 Acres
     - Community Park: 25.0 Acres

3. **Special Considerations**

   The Precise Plan shall incorporate the following policies:

   a. Within sub-area "A", development regulations shall be established to accommodate up to 15 residential lots with 1/2-acre minimum lot size.

   b. Within sub-area "B", a Master Plan for the high school and/or community park shall suffice for a Precise Plan. Precise boundaries shall be determined upon adoption of each respective Master Plan.

   c. A 350-feet wide "buffer area" shall be temporarily provided north of the high school and north and east of the community park (i.e. outside of the Specific Plan Area). The purpose of the buffer area is to minimize conflicts between the future high school/community park uses and the existing agricultural lands which are designated for future urban development. No permanent structures shall be installed in this buffer area, although a parking lot may be allowed. The buffer area may be acquired through easement agreements with property owners or through purchase of the area as fee simple lots. This buffer area requirement shall no longer be required when urban development plans are approved adjacent to the buffer area, north of Village One.

   c. Prior to development of the proposed High School/Community Park, the City of Modesto shall establish a buffer area (open space easement or similar restriction) on the site for a distance of at least 350 feet from the property line in order to protect the health of the high school students and park users. Uses permitted within the buffer area shall be determined prior to the issuance.
of permits for construction. Requirements of this buffer area shall not conflict with Division 6 - Section 11501.1 and Division 7 of the California Food and Agricultural Code, as judged by the Stanislaus County Agricultural Commissioner."

(Mitigation Measure No. 25)

d. The High School Master Plan shall incorporate features to minimize potential conflicts between residential lots located along Roselle Avenue and the south side of Sylvan Avenue. These features may include but are not limited to, setbacks, service roads, or other means to separate school activity areas and residential structures.

e. The High School Master Plan shall indicate conformance with Section IIE(2) regarding School standards and Section IIF(2) regarding Park standards.

4. Principal Underlying Zone(s)

a. Sub-area "A" - R-1, Low-Density Residential, 1/2-acre minimum lot size.

b. Sub-area "B" - R-1, Low-Density Residential.
j. Development plans for the area north of Milnes Road shall address required EIR mitigation measures including:

1. Appropriate site inspection shall be conducted for hazardous materials prior to development of the Pure-Gro property, Assessor's Parcel No. 14-14-15 in accordance with mitigation measure 4.8.6(b), in the adopted 1990 Village One EIR.

2. The Industrial/Business Park Precise Plan application for development of the former "Pure-Gro" site (3348 Claus Road) shall include a Phase I site assessment in accordance with Federal, State and local regulations provided by the site developer to determine the existence or extent of contamination. (Mitigation Measure No. 29)

3. Appropriate determination or permits from the U. S. Army Corps of Engineers regarding potential wetlands shall be obtained prior to development of areas north of Milnes Road as shown on Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.

3. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks for the area between Parker Road and Floyd Avenue as shown Figure 34, Biological Resources/Habitat Types, in the adopted 1990 Village One EIR.

k. The existing church at the southeast corner of the future Floyd/Claus intersection may remain. However, its principal underlying zone is B-P, Business Park. Expansion of the church facilities shall require a Conditional Use Permit.

l. Separate Precise Plan applications may be submitted for those Business Park areas north and south of Floyd Avenue.

m. Land uses within Sub-areas "A" and "B" may be shifted during Precise Plan Approval.

4. Principal Underlying Zone(s)

a. Sub-Area "A" - BP, Business Park
b. Sub-Area "B" - BP, Business Park

5. Land Assembly Requirements

III-93
feasible.

7. The use of drought-resistant plants shall be required in conjunction with public streets and rights-of-way to reduce water needs.

8. New developments shall be required to minimize water consumption by using low-flow showerhead and faucets, and the principles of xeriscape (drought resistant plantings) in landscape plantings.

9. All new water connections shall be metered, excluding those connections designed solely for the purpose of fire protection.

10. Necessary water conduits shall be extended across the entire frontage of a developing area to allow for coordinated provision of services as adjacent areas are developed.

11. To reduce overdraw of groundwater supplies and reduce the future potential for unnecessary treatment water supplies, the Village One Specific Plan area will use a separate water system for irrigation of median strips and larger open-space areas. A storage facility will be located within a portion of the storm drainage basin.

11. Future phases of the joint Surface Water Treatment Plants distribution system will be extended to new areas of the City through plans for development in the Urban Area. Building Inspection Division shall require metering of water service to new residential dwellings throughout the City through review of construction plans. The City's Landscape Architect will verify the Landscape Design standards requiring xeriscape. The City's Planning Department Neighborhood Preservation Unit will enforce the City's water conservation policies. (Mitigation Measure Nos. 32 and 33)

d) Facilities Master Plan
c) Facilities Master Plan

Chapter IV presents the requirements for a Facilities Master Plan, to implement the above Design Principles.

7. Public Infrastructure - Storm Water System

a) Overview

This Section responds to the "Drainage" requirements of Section 65451(a)(2) of the Government Code. Figure II-16 presents, in a conceptual manner, the general location of storm water drainage facilities to serve Village One.

Storm water facilities will be designed according to City
shall constitute compliance with this measure.

Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

Without acoustical treatment, noise levels inside proposed residential housing along the following project area Major streets would exceed 45 dBA, the City's General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

<table>
<thead>
<tr>
<th>Street</th>
<th>Segment 1</th>
<th>Distance 1</th>
<th>Segment 2</th>
<th>Distance 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sylvan Avenue</td>
<td>Oakdale to Roselle</td>
<td>142 ft.</td>
<td>Roselle to Claus</td>
<td>136 ft.</td>
</tr>
<tr>
<td>Floyd</td>
<td>Oakdale to Roselle</td>
<td>106 ft.</td>
<td>Roselle to Claus</td>
<td>76 ft.</td>
</tr>
<tr>
<td>Brigsmore</td>
<td>Oakdale to Roselle</td>
<td>171 ft.</td>
<td>Roselle to Claus</td>
<td>138 ft.</td>
</tr>
<tr>
<td>Oakdale</td>
<td>Sylvan to Floyd</td>
<td>214 ft.</td>
<td>Floyd to Brigsmore</td>
<td>209 ft.</td>
</tr>
<tr>
<td>Roselle</td>
<td>Sylvan to Merle</td>
<td>126 ft.</td>
<td>Merle to Brigsmore</td>
<td>150 ft.</td>
</tr>
<tr>
<td>Claus</td>
<td>Sylvan to Floyd</td>
<td>171 ft.</td>
<td>Floyd to Brigsmore</td>
<td>176 ft.</td>
</tr>
</tbody>
</table>

Source: Brown-Buntin Associates Noise study, April 1993

15. All Precise Plans shall contain the following statement:

"Construction noise is regulated by the City's Noise Ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 AM TO 9:00 PM. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise Ordinance."

16. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's hawks. This survey shall be conducted in concert with the Environmental Impact Report for the Modesto General Plan Rewrite.
17. Precise Plans for development within the project area shall contain the following statement:

During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.

(Mitigation Measure No. 40)

E. Precise Plan Areas

The following pages present the 35 Precise Plan Areas established to implement the polices of the Village One Specific Plan.